A

TREATISE

COLLECTED

Out of the Statutes of this

COMMON-WEALTH;

And according to *Common Experience* of the *LAWES*,

Concerning the

OFFICE and AUTHORITIES OF *CORONERS* and *SHERIFES*.

Together with

An easie and plaine Method for the keeping of *Court-Leet*, *Court-Baron*, and *Hundred-Court*.

By *JOHN WILKINSON* of *Bernards Inne*, Gent.

To which is added the Return of Writts, by *John Kitchin* Esquire; Now all published in *English*.

London, Printed for the Company of *Stationers*, and are to be sold by *W. Lee*, *D. Pakeman*, and *G. Bedell*, at their shops in *Fleetstreet*. 1657.

A

TREATISE

COLLECTED

Out of the Statutes of this

COMMON-WEALTH,

And according to Common Experience

of the LAWRES,

Concerning the

OFFICE and AUTHORITIES

OF

CORONERS and SHERIFFES.

To which with

An easie and plaine Method for the keeping of a

Court-Leet, Court-Baron, and

Hundred-Court.

By JOHN WILKINSON of *Barnard's Inne*, Gent.

To which is added the Return of Writs, by *John Kitchin* Esquire, Now all published in *English*.

London, Printed for the Company of Stationers and are to be sold by *W. Lee*, *D. Pakeman*, and *G. Bedell*, at their shops in *Kingsgreen*, 1656.

TO THE

Courteous Reader.

Plerasmany wise and learned men have written of things that they have gathered by reading, I do publish what I have practised, warranted by authorities in Law. And because the end of writing books is to benefit others, I know it will be acceptable to all that are not deeply studied, to make use of these things which I have collected: neither can it offend the best learned, to see that plainly set out, as it were by demonstration, which they, by learning already understand.

The Office of a Coroner, the Office and duty of a Sheriffe, and the Office of a Steward, and the manner of keeping Courts in Hundreds, Leetes, Baronies, are duely exercised by many, yet few know the true formes that are to be kept in keeping of those Courts: For their sakes therefore I have undertaken this paines, and dare be bold to say, that they shall not much erre, if they follow what is here in this Book set down, for direction for them herein. To which I have added the Returne of

writs, Originally written by the learned *John Kitchin* Esquire, as generally useful, as any of the former Tracts, which, with much care and diligence, are now all translated into English, for thine and the publick good. If thou findest in this work any small errours, be pleased to excuse it, being the first that hath adventured in this untrodden path. And your good acceptance may further encourage me to continue

Your Faithful Servant,

J. W.

A Compendious TREATISE,

Wherein is set forth the Office and Authority of a Coroner.

THE FIRST BOOK.

A Coroner is an ancient Officer of this Common-wealth, and ordained to be a principal Preserver of the peace, and to carry the Records of the Pleas of the capital Office of the Upper Bench, and of his own view, and of abjurations, outlawries, appeales, &c. And this definition of him is given by *Britton* an ancient writer, *fol.* 3. with the which agreeth the book *de tit' Coron' in Fitz. Nat' Br. pag.* 186. where he amplifieth his power more largely, *viz.* That he should carry Records of his own view, Abjurations, Outlawries, Appeals, Accusements of thieves done before him, and of all non-suits in Appeals, and of all other things done in the County, that appertain to the Coroners office, and also in the Court of freemen, which have franchises of infangthief, &c. And in the presence of the Coroner shall all appeals of Robbery and Larceny be framed. These things do declare the office of a Coro-

ner to be an Office of truſt, and of great Authority; and for that cauſe it is requiſite that it be committed to a wiſe man, and of good behaviour, as it was well perceived by our ancient Fathers and Predeceſſors, and chiefly by thoſe that made the Statute at *Weſtminſter* the 1. chp 10. which rehearſeth, for that the people of ſmall condition, and not of the wiſeſt, be now lately choſen to the office of Coroners, and much meeter it were, that wiſe men, loyal and ſage, ſhould intermeddle with that office; It is provided, that through all Counties be choſen ſufficient men to be Coroners, of the moſt loyal and moſt ſageſt Knights, which beſt know, can or will attend to that office, and that they lawfully keep and preſent the Pleas of the Capital Office of the Upper Bench. And that the Sheriffes have counter-rolles of the Coroners, as well of Appeales as of Inqueſts concerning Attachments or other matters appertaining to that office. And that no coroner ſhall demand any thing, or take any thing to execute his office, upon paine of a great forfeiture to the Keepers of the Liberty of *England*, by authority of Parliament to the uſe of the Common-wealth.

The Statute committeth this Office to Knights, and not to any others, and therefore it was held to be a maine cauſe to remove and diſcharge a Coroner from his office, if he be not a Knight: but Mr. *Fitzherbert* in his *Natura brevium*, in his writ *de Coronator. eligend.* would not allow the ſame for a ſuffi ient cauſe at this day, alledging; That thoſe words were put into the Statute, to the intent that a Coroner ſh uld have ſufficient within the county, to anſwer for all that he doth, or ought to do by his ſaid office.

Alſo this Statute requireth ſuch a Coroner, as can, will, & may attend to execute the ſaid office. And therefore if ſuch a Coroner be elected and choſen, as cannot, wil not, nor may not attend the execution of the ſame office, he is to be removed and diſcharged by Writ from the ſame office: & the cauſe of his not attendance or inſufficiency muſt be rehearſed in the Writ, *viz.* that he is occupied in other of the com-

Common-wealths affairs, or that he is not in health, or aged, or unapt for the ſame office, or that he is inſufficient in lands, or that he hath the paſſie, or that his abode is in the uttermoſt parts of the County, or that he is nominated Sheriffe, or Ranger of a Forreſt: but if any of theſe cauſes be untrue, and the Coroner thereby diſcharged of his office by a falſe ſuggeſtion, Then he may if he will go to the Chancery, and there by petition pray a Commiſſion to enquire of this falſe ſuggeſtion, the which if it be found, and returne to the Chancery, then the Keepers of the Liberty of *England*, by the authority of the Parliament may grant a *Superſedeas* to the Sheriffe of that County, that he remove not the ſaid Coroner from his office, and if he be removed before the *Superſedeas* come, then that he permit the Coroner removed to execute his office as he did before his removal, as it appeareth in Mr. *Fitzh. Nat. Bre.* in and by the Writs *de Coron. elegendo, & de Electione viridariorum.*

But it ſhall be farre more commendable for him that is choſen a Coroner, that if he perceive any of the ſaid impediments to be in himſelfe, that he then do purchaſe a Writ to diſcharge himſelfe from the ſaid office, which Writ he ſhall finde in the Regiſter, fol. 177.

This Statute alſo willeth, that no Coroner ſhall take any thing for doing of his office, &c. for this purpoſe, that he wholly may be at liberty to do and execute Juſtice and Right, and therefore within twelve years after there was a Statute made to puniſh that corruption and extortion which is called *Statutum Exoniæ*, made the fourteenth yeare of *E.* 1. which you ſhall finde in the book called *ſecunda pars veterum Statutorum*, by the which alſo it appeareth, that a Coroner ought to take nothing for executing of his Office, which I finde not altered by any Statute until 3. *H.* 7. *c.* 1. which giveth him in murder 13 ſh. 4 d. of the goods of the murderer, if he have any goods, but if he have none, then the Coroner is to have his Fee by amercing of the village for ſuffering the murderer to eſcape, and if any particular perſon ſhall be

found guilty of such escape, the Coroner hath power to enquire thereof by the same Statute.

But I finde, *tit' Cor. in Fitz. fol.* 321. *&* 371. that a Coroner hath a Fee belonging to his office, *viz.* of every Visne one penny, when they appear before the Justices of Eyre.

But that fee is not repugnant to the Statute of *VVest.* 1. for he receiveth not the same to do his office, but as a right due to him, though that he executeth no part of his office, &c.

Also the Statute of 1. *H.*8. *cap.*7 prohibiteth a Coroner to take any thing for doing of his office, upon paine of 40.sh. for every default.

And also upon like penalty, where he giveth not his attendance when he is sent for and required to make Inquisition upon the death of any dead corps, &c.

And since the Stat. of *Westminster* the first, it was ordained and enacted by a Statute made *An'* 14 *Ed.*3. *cap.* 7. that no Coroner be chosen if he have not lands sufficient in the same County wherewith he may answer all manner of people. This Statute is in the negative, and therefore the not satisfying of the same Statute. is good cause to remove him from his Office, by the Writ before remembred, the which Writ declareth how he shall be said to be sufficient, and in what sort the same shall be examined, *viz.* if he have lands in the County upon the which he may dwell agreeable to his degree, for the exercising of the same Office.

Also after by another Statute made *anno* 28. *Ed.*3. *cap.*6. it was enacted, That all Coroners of every County should be chosen in the open Counties, by the Free-holders of the said County, of the most convenientest and most loyallest people that may be found in the said Counties, to execute the said Office: alwayes saving to the Keepers of the Liberty of *England* by authority of the Parliament, to the use of the Common-wealth, and other Lords their Seigniories and Franchises.

And note, that whn a Coroner is chosen, he shall remain Officer so longe as he behave himself well therein, and

and is not changeable every year as the Sheriffs and Escheators are, *qd vid Hil' 4. E. fol. 44.*

Also when he is elected, the Sheriffe of the same County, or his Under-Sheriffe, must give him his oath thus as followeth.

His Oath for the due execution of his Office.

YOu shall swear, that you well and truly shall serve the Common-wealth in the office of a Coroner, & as one of the Common-wealths Coroners of this County of *South-Hampton*, & therin you shal diligently and truly do and accomplish all and every thing and things appertaining to your Office, after the best of your cunning, wit and power, both for the Common-wealths profit, and the good of the Inhabitant within the said County, taking such fees as you ought to take by the Lawes and Statutes of this Weal-publick, and not otherwise. So help you God, and the holy contents of this book. And so let him kisse the book to affirme his Oath.

First, when he hath notice to take the view of the body of any person slaine either with his will or against his will, he must then make his precept to the Constables and Tythingmen of the Hundred where the party lieth dead, to summon a Jury to appear before him at a day and a place certain, to enquire thereof upon a paine of 40. sh. before remembred. And the forme of his Precept is thus: *viz.*

By vertue of mine office, these are in the Keepers of the Liberty of *England* by the Authority of Parliament name, to will and require you immediately upon the receit hereof to summon and warne 24 able and sufficient men to be and appeare before me at *A.* the 10. day of February next coming after the date hereof, or to morrow being Tuesday the 10. day of *February*, at the Townhall there, if there be any, or at any other place certain, then and there to do and execute such things as on the Common-wealths behalfe shall be given them in charge, whereof faile you not, as you and every of you will an- *South.*

swer the contraty at your perils. Dated under my hand and seale this ninth of February. *Anno Dom.*1638.

Per me Io. W. unum Coron. Reipub. com. præd.

To the Constables and Tithingmen of the Hundred of *B.* in this behalfe, Joyntly and severally greeting.

AND when he cometh to the place appointed, he must then call for the Constable and Tythingmen to whom he did direct his warrant for their returne, and when he hath that, then he must cause one of them, or some other for them to make three proclamations or O yes, and call the Jury thus: You good men which be returned to appeare here this present time, to enquire for the Keepers of the Liberty of *England* by authority of Parliament, answer to your names as you shall be called; every man at the first call, upon pain and peril that may fall thereon. This done, when you have a full Jury of 14. or 15. call the foreman to the Book, and swe are him thus; You shall duly enquire, and true presentment make of such things, as shall be given you in charge, according to your evidence, so help you God, and the contents of that Book.

Then call the rest of the Jury, and swear them by foure at once, and swear them thus.

ALL such Oath as *A. B.* your Foreman hath taken before you on his part, you and every one of you shall well and truly observe and keep on your parts, so God you help, and the contents of that Book.

And when they are all thus sworn, call them again, and let the Crier count them after you, and then bid them stand together, and heare their Charge.

Then begin your Charge thus.

The

The Charge.

SIrs, you that be ſworn, you ſhall underſtand what the cauſe of our meeting is here now at this preſent, It is to enquire, and preſent or finde, how *A. B.* came to his death; for when any man, woman or child do come to their death by any caſualty or untimely meanes, then the Keepers of the Liberty of *England* by authority of Parliament have appointed Coroners in every County to enquire thereof by the oathes of men; And therefore by vertue of mine office, I have cauſed you to be called hither, and have impanelled and ſworne you to that purpoſe; to the end that the Keepers of the Liberty of *England* aforeſaid, and their immediate Officers may be truly certified, how and by what means a member of this Common-wealth is loſt: Therefore now your charge is, to enquire how and by what means the ſaid *A. B.* came to his death, that a true Record may be made thereof; If he was ſlain in fight, then you muſt enquire by whom, when, and where, and in what manner, & with what weapon, as near as you can, and what goods, chattels, lands, or hereditaments the offendor had at the time of the fact committed, or at any time ſithence, and whether he be fled for the ſame or no; For I muſt tell you that Coroners have authority to enquire by their office of all manner of homicides and ſlaughters of men, eſpecially above all other things, and that by the oathes of men *ſuper viſum corporis*, and not otherwiſe: And theſe homicides and ſlaughters of men are of divers kindes or degrees, but they are all comprehended within two kindes, *viz.* ſpiritual homicide, and corporal homicide; the firſt is the ſlaughter and deſtruction of the ſoule, which is Gods part, if he die in the faith of Chriſt; and the other is the ſlaughter of the body, which is the Common-wealths part, that muſt take his end by the due execution of Juſtice for the offence committed againſt the Law: and a corporal homicide is twofold, that is to ſay, *Lingua, & Facto*, Tongue and Fact; *Lingua*, by the Tongue is three-

fold, *viz.* in commanding, in giving of counsel, and in defending: *Facto*, by Fact, is fourefold, *viz.* in execution of Justice, Homicide willingly done, Homicide done by chance, and Homicide done by necessity: Homicide done by Justice, is when a man is justly condemned and executed for his offence; Homicide willingly done, is either murder, or at the least man-slaughter; Homicide done by chance, is by some accidental meanes, as where one is killed by casting of a stone unawares, or shooting of an arrow, or such like, and killeth one against the will or intent of him that casteth or shooteth. And Homicide of necessity, is when a man cannot chuse but he must either kill or be killed, and that will be taken to be in his owne defence: then there is Homicide inevitable for the advancement of Justice. And that is where a Sheriffe or other officer by warrant pursues a Felon which will not obey or yield himself, but offereth violence, and so is killed in apprehending, or where a man killeth a thiefe which would rob him: In these cases he which committeth such Homicide shall be acquitted, and neither lose life, lands or goods for the same. There are other Homicides which are no Felony, and that is where a mad man either kills himself or any other person when he is mad, or where a child is killed in the mothers belly, not *in rerum natura*, and that for two causes, *viz.* one because it had not the name of Baptisme, and the other, because it cannot be certainly known whether the mother killed it by some other means or no; but if an Infant of nine years old kill a man, woman, or childe, if such Infant then knew good from evil, it is felony in such an Infant, and that will be well known and perceived by the answer of such an Infant to such questions as may be demanded of him: or here also if a man take upon him to be a Physician or a Surgeon, and not allowed to use and practise such faculty, if he take upon him a cure which dieth under his hands by his ignorance, it is held to be Felony in such Physician or Surgeon. Also if a man keep a dangerous beast, as a Bull, a Beare, a Dog, or such like, he knowing

them

them to be dangerous, and yet doth not keep them tied, but wilfully suffereth such beasts to go at large without a keeper, if such beast kill a man, woman or childe, it is held to be Felony in the Owner of such Beast; Also there is another kinde of Homicide, which is a kinde of Murder, called *Felo de se*, and that is where one hangs, or kills, or drownes himself for lack of grace; for as it is Murder and Felony for one man willingly and wilfully to kill another; so likewise it is Murder and Felony for a man to kill or drown himself willingly and wilfully, yet they are not both in one case and predicament; for the first doth forfeit by that fact both his lands, and his goods, and the other forfeits but goods and chattels, and no lands. There is also another kinde of Homicide, not done by man, but by casual means, and that is called Homicide by misadventure or misfortune, by a Horse, or a Cart, or a Bough of a tree, or such like: and in this case, *omne quod movet cum eo quod occidit hominem deodand' est Reipublicæ*; every thing that moveth with that which kills a man is Deodan, unlesse the Keepers of the Liberty of *England* by authority of Parliament have formerly granted the same away to some Lord of a Liberty, as is commonly done, then if it happen to be within such liberty, it belongs to the Lord of the Liberty. But if any of these Homicides fall out to be wilful Murder, which is a most bloody and crying sinne, and cannot be too severely punished, and therefore by the Law, the offendor herein ought to lose both life, lands and goods an eye for an eye, and a tooth for a tooth. And if Manslaughter, if the offender can reade well, then he may in favour of life, by the Keepers of the Liberty of *England* aforesaid mercy, have the benefit of his Clergy, and so save his life, but he shall lose and forfeit both his lands and goods, and yet the Law of God not therein satisfied: The goods must be found, appraised and valued, of such offendors, and left in the Township or Village where such offendor dwelleth, by them safely to be kept, until the offendor be acquitted and convicted by due course of Law, in

the

the mean time the offendor must be maintained with his goods, so as he may be kept alive to answer his fact, and what shall remaine when he is convicted, those to whom such goods do belong by the Law must have them, and not before, and thereof discharge the Township or Village which had the custody of such goods. And as for the offendors free land, if he have any, immediately after conviction, the Keepers of the Liberty of *England* by authority of Parliament to the use of the Common-wealth must have *annum, diem, & vastum* therein, and after the Lord of whom it is holden, shall have it as an Escheat. And thus having discoursed at large of all these things incident to my office for your instruction, I will make an end, and trouble you no more at this time: and so you shall hear your evidence.

Then if the evidence be ready, they must be called and sworn thus.

THe evidence that you shall give to this inquest, shall be the truth, the whole truth, and nothing but the truth, so help you God, and the contents of this book.

And if the evidence be not ready, then you must appoint the Jury a day, and a place to come to you to receive their evidence; and lest they or any of them should faile to come to the place at the time appointed, you may binde them by Recognisance in x. li. or xx. li. a piece, and in the mean time you may send your Warrant for the witnesses to come before you to be examined, and to deliver their knowledge concerning the matter in question, and be sure to take their examinations in writing under their hands, and if it be about the trial of any mans life, then you must binde over all the witnesses in xx. li. a piece at the least, to appear at the next Assizes then following, to deliver their knowledge therein *viva voce*, if they shall be thereunto required.

The forme of which Recognisance is thus:

The

The third day of October, &c. the yeare, &c. James S. of B. in the County aforesaid, acknowledgeth himselfe to owe, &c. under condition, &c. South.

That if the said *I. S.* do personally appeare before the Justices of Assize and Goal delivery, at the next Assizes to be holden at the Castle of W. for the said County, and then and there deliver and set forth his knowledge touching the death of *A. B.* and do not depart thence without licence of the said Court. That then this present Recognizance to be void and of none effect, or else the same to stand, remain, and continue in force, strength and vertue.

Taken and acknowledged the third day of October in the yeare 1617. aforesaid, before me J.W. Gent. *one of the Coroners of the County aforesaid.*

J.W.

Of wilfull Murther.

This offence is the highest and greatest offence that a Coroner is to meddle withal by his office, and it is defined by *Bracton* to be secret killing of strangers and men known, none knowing or seeing it besides the murtherer and his aiders, so that no Hue-and-cry of the County presently follow, &c. And so you may see how that *Englechery*, that is, that he is English, &c. was presented in ancient time, until the fourteenth yeare of *E.* 3. At which time by a Statute made the 14. *Edward* 3. cap. 4. the presentment of *Englechery* was wholly abrogated and annulled, the letter of which Statute is thus, *viz.*

Item, for that there are many mischiefes happened in many countries in *England*, which knew not how to present *Englechery*, for which cause the Commons of the Counties oftentimes were before the Justices in Eyre amerced, to the great grievance of the people, It is therefore agreed, that at no time hereafter any Justice of any

any Eyre shall put any article or opposition presenting *Englechery* to the Commons of the Counties, nor against any of them. But that for ever *Englechery* and the presentment thereof to be wholly omitted and made void, so that none from this cause be from henceforth impeached: By the words of this Statute it appeareth, that the presentment of *Englechery* was so diverse by the divers customes of several countreys, that the countreys knew not well how to satisfie the Justices in the presenting thereof, but for the undue presenting thereof, they were often amerced and sore grieved: And yet *Bracton* saith, Because in divers countreys *Englechery* is differently presented in every Eyre, the custome of presenting it, is to be enquired from the beginning. Also he putteth there in his Book many things which excuseth the Countrey by the Common Law from that amerciament or payment of lxvi. markes, for he saith in this manner, *That is weighed sometime, &c.* And that also was the Common Law, appeareth in *Britton, fol.* 15. which agreeth throughout with that which *Bracton* hath here written, the which Common Law is changed as I have said before by the said Statute made in the 14. yeare of *E.* 3. wherefore a man at this day may define murther in other manner then *Bracton* and *Britton* did, viz. It is murther when any man of malice prepensed killeth another seloniously, having no regard whether he kill him openly or secretly, or whether he be an Englishman or not, so that he live in the Weale publick under the Parliaments protection, and Homicide that is done in such a manner is called Murder at this day; for the name of Murder was not at any time changed, but the Law retained the same continually, for the hainousnesse of the crime; to put a difference between Homicide, Chance-medley and Murder: And therefore if a man be indicted of murder at this day, a pardon of all Felonies will not help him, and that is by the Statute of 13. *R.* 2. *cap.* 1. the letter whereof you may see hereafter: And also the Statute of 1. *Edw.* 6. *cap.* 12. which ensueth, *videlicet*. Provided also, and be it enacted by the authority

authority aforeſaid, that all wilful killing by poiſoning of any perſon or perſons, that at any time hereafter ſhall be done, perpetrated or committed, ſhall be adjudged, taken, and deemed wilful murder of malice prepenſed, and that the offendors therein, their aiders, abettors, procurers, and counſellors ſhall ſuffer death, and forfeit in every behalf, as in other caſes of wilful murder, of malice prepenſed.

Manſlaughter is where one killeth another having not malice prepenſed ſo to do, yet it is felony, and he ſhall loſe his lands and goods, and his life too, if he cannot reade well, as is ſaid before in the charge: The which thing if a mad man do, it is no felony in him, nor he ſhall not be arraigned for it, when he is of good memory, as it appeareth in *Fitzh. fol.* 33. and 21. *Hen.* 7. *tamen* in the Eyres of *Northampton* in 3. *E.* 3. it appeareth there, that he ſhould purchaſe his pardon of courſe: And with that agreeth 26. *li. aſſ.* And the ſame Law which ſerveth for a man lunatick, ſerveth for a man that is deaf, and dumbe, as you may finde in the ſame Plea. And if one of the age of 12 years or more, kill another, that is Felony: the ſame Law is if he be but nine yeares old at the time of the killing; ſo that it may be perceived that he underſtandeth good from evil, as by his excuſe, or by any act done ſince the killing, *videlicet*, in hiding the dead corps in any ſecret place, to the intent it ſhould not be found and known. Becauſe in ſuch caſe malice ſupplies age. 3. *H.* 7. *& tit' Coron'* 51. And there they reſpited execution of him, to the intent they might procure his pardon. And *Bract.* ſaid in thoſe caſes of Lunaticks, & of the infant, one the want of judgement ſaves, the other the weakneſſe of fact excuſes. *Manſlaughter.*

And if a Surgeon or a Phyſician allowed, have one in cure, which dieth preſently after, or within a ſhort time after, that is no Felony, for that he did nothing felonioufly: but if he killed him with Phyſick or Surgery, it was done againſt his will, *quod vide titulo Corona* 163. *& Britton fol.* 14. *c. Contr.*

Alſo

Alſo, if a man have a Bull, a Beare, or a Dog, which is accuſtomed to do hurt, and his maſter or owner well knowing the ſame, yet do not tie him, but ſuffer him to go at large, and being ſo at large, he killeth a man, this is held by *Fitzherbert*, 311. to be Felony in the Owner of the beaſt, by reaſon of the ſufferance, for thereby the Owner ſeemeth to have a will to kill. And note that in ancient time, the will was ſo material, that the ſame was taken for the fact, *ut patet titulo* I. E. 3. where one compaſſing the death of another, woundeth him ſo grievouſly that he leaveth him for dead, and afterward flieth, and the man wounded reviveth: And yet notwithſtanding, it was then adjudged to be felony, inſomuch as the will appeareth to have killed him; the will ſhall be taken for the deed. And with the ſame agreeth *Bracton*, who ſaith, In things ill done the will, not the end is looked upon, not material, whether any man kills, or be the cauſe of death. But this Law is not now in force, for he muſt be dead indeed before it be adjudged felony. And if a man hurt another with an intent to beat him, but not to kill him, yet notwithſtanding if he die of ſuch beating, it is felony in him that ſo did beat him, wherefore at this day a man may convert the text to *Bractons* opinion, and ſay, The end in things ill done, not the will alone is looked upon, as in the caſe next before, &c. *vide titulo memorato*, where for the malicious words of a woman two men fought, and the one killed the other, the woman in this caſe was arraigned of the death of him that was ſlain. The like caſe if three men go together to make a diſſame, and one of theſe three doth kill a man, the other two in this caſe are taken to be principal Felons, and yet they did it not of any evil will, but only came in one company together *quod vide titulo Fitz.* 305. So that many caſes may be found, where the end is looked upon, not the will only, as before is ſaid; wherefore to conclude, we may ſay, that the will, unleſſe the fact enſueth the ſame, maketh no offence at this day; but in treaſon given by Statute, &c.

It

It is a general opinion, and commonly agreed upon, that if a man have judgement to be hanged, and commandment given to the Sheriffe to see execution done according to the judgement, if the Sheriffe after, of his owne authority do behead the prisoner, which was appointed to be hanged, then this is felony in the Sheriffe, because the order of the Judgement is not observed, in putting the prisoner to death. The same Law is, if one that is not the Sheriffe, will kill a prisoner as he is going to the gallowes to be hanged, of his owne head and authority, *quod vide* 35. *H.* 6. And for this Felony, the wife of the prisoner may have an appeale against him that killed her husband: But *Scrope* is of opinion, that it shall be otherwise, if he that is killed be attainted by outlawry, as it appeareth 2. *E.* 3. where he that is indicted alledgeth, that he for whose death he is indicted, was and is outlawed of Felony, *Scrope*. It may be that that outlawry is reversed, or that he had his charter of pardon, wherefore he must make search, and send into the Chancery, to understand there if he had any charter of pardon, and in the mean time he shall be let to bayle, till a certain day that the truth be known; and he said further, that if he found that the outlawry was not reversed, nor that the prisoner had not any charter of pardon, that then the Def. shall not answer any further but be discharged of the Indictment: Also it seemeth to be lawful for any to kill a man attainted in a *Præmunire*, because the Statute of 25. *Edw.* 3. *cap.* 21. *de provisionibus* willeth that a man do against them, as against the enemies of the Weale publick, without any Impeachment, &c.

A Sheriffes Bailiffe, or any other Officer that hath warrant to arrest any man that is indicted for Felony, may justifie the killing of him, if he will not suffer himselfe to be arrested, but in such sort standeth in his defence, that the Officer cannot arrest him without killing of him, in this case the Officer shall be discharged without suing forth of his pardon of course, *ut patet* 22. *lib. Ass.*

Of homicide done by necessity inevitable justifiable.

Ass. & 22. E 3. where *Thorpe* saith, that any man may take and arrest a thief, and if he will not yield, but stand in defence of himself, or else flie, in such case he may kill him without blame, *ergo* he that hath no warrant as well as he that hath a warrant, by this authority may kil and justifie. And there he reciteth, that where a Goaler came to the Goale with a Lanthorne in his hand, to see his prisoners, which had broken their irons, and standing all ready to have killed him, they beat him, and wounded him very sore, but killed him not; and he having a hatchet in his hand, therewith he killed three of the prisoners, and being called in question for it, was discharged thereof, for it was adjudged by all the Councel, that the Goaler had done well, &c. And therefore note ye, as a man may justifie the killing of a man before an arrest, even so he may justifie the same after an arrest, so that the same do arise upon an inevitable necessity, as before is said. And therefore one is arrested of Felony, and as he is carrying to the Goal, he maketh debate and flieth, and the other in such sort pursueth him, that he cannot take him again without killing of him: this manner of killing is justifiable. *qd. vide* 3. *E.* 3. &c. And the case is there, That a man did flie to a Church for felony, and after in the night he went from thence, and the village that did watch him in the Church did pursue him and killed him, for that he would not yield himself, and it was allowed as well done, *tamen in eodem titulo* 3. *Ed.* 3. &c. *Lowth* doth doubt of this killing, in that it may be that he that was arrested was not guilty of the felony, although he was indicted thereof; and nothing like the case where one is pursued upon a robbery done, and the thief killed. But by the book aforesaid it appeareth that such killing is not felony, nor that any thing shall be forfeit for the same, nor that any pardon is needful, *sed vide ibid. fol.* 344. that in that case it is finable, and a fine of xl. sh. was payed for the same, *sed quær.* whether the same was for the killing, or for the escape. And note, that if he which killeth another by reason of any matter inevitable *ut supra*, to be found before

fore him, by reason of any Jurisdiction that he hath to enquire of Felonies, he shall not be discharged upon such inditement found, until such time as he be araigned upon the same, and the matter also found by verdict, *ut patet ejusdem tituli*, for that he himself was Judge thereof. Otherwise it is if the finding of the same be before other Commissioners, *vide le Statute de malefactoribus in parcis*, made the one and twentieth yeare of *Ed.* 1. which giveth power to Forresters, Parkers and Warrenners, to kill the offendors if they will not be justified, &c.

Homicide in a defending of a mans house and his goods against thieves, lawful and justifiable for the urgent necessity thereof.

As for example, many do come to burne my house, my self being within the same, and they compasse about the house, but they burne it not; and I shoot out of the same house, and kill one of them, this is not felony, *ut patet 26. lib. Ass.* The same Law is if they come to my house and rob me, and my boy or my man that is with me in my house killeth one of them, *quod vide in Fitzh. titulo Coron 3. E. 3. per Lowth. & ibidem p.* 305. where it was presented, that a man had killed another in his own house defending himself, and it was demanded of those that made the presentment, if he that was so slaine did come to robbe him, for in that case one man might kill another, though that it be not in defence of himselfe, &c. And in all such like cases a man shall go quit without any forfeiture, or without expecting any pardon, in that my house is unto me as my Castle, out of which the Law will not constraine me to flie, &c. The same Law is, if one come unto me when I am out of my house, and will robbe me, wherefore I kill him: for in *26. lib Ass.* the case was, that a thief assailed a man in his ship, and he pursued him so hardly, that the man killed him, and generally it was affirmed that the man should be discharged and quit without pardon. And note well this latter book, for that maketh expresse mention that he shall go quit without pardon; but the other bookes speak nothing, neither of pardon, nor yet of the forfeiture; wherefore it may be doubtful to some, whether he shall forfeit his goods, and whether it shall be needful

Ass. & 22. E 3. where *Thorpe* saith, that any man may take and arrest a thief, and if he will not yield, but stand in defence of himself, or else flie, in such case he may kill him without blame, *ergo* he that hath no warrant as well as he that hath a warrant, by this authority may kil and justifie. And there he reciteth, that where a Goaler came to the Goale with a Lanthorne in his hand, to see his prisoners, which had broken their irons, and standing all ready to have killed him, they beat him, and wounded him very sore, but killed him not; and he having a hatchet in his hand, therewith he killed three of the prisoners, and being called in question for it, was discharged thereof, for it was adjudged by all the Councel, that the Goaler had done well, &c. And therefore note ye, as a man may justifie the killing of a man before an arrest, even so he may justifie the same after an arrest, so that the same do arise upon an inevitable necessity, as before is said. And therefore one is arrested of Felony, and as he is carrying to the Goal, he maketh debate and flieth, and the other in such sort pursueth him, that he cannot take him again without killing of him: this manner of killing is justifiable, *qd. vide* 3. *E.* 3. &c. And the case is there, That a man did flie to a Church for felony, and after in the night he went from thence, and the village that did watch him in the Church did pursue him and killed him, for that he would not yield himself, and it was allowed as well done, *tamen in eadem titulo* 3. *Ed.* 3. &c. *Lowth* doth doubt of this killing, in that it may be that he that was arrested was not guilty of the felony, although he was indicted thereof; and nothing like the case where one is pursued upon a robbery done, and the thief killed. But by the book aforesaid it appeareth that such killing is not felony, nor that any thing shall be forfeit for the same, nor that any pardon is needful, *sed vide ibid. fol.* 344. that in that case it is finable, and a fine of xl sh. was payed for the same, *sed quær.* whether the same was for the killing, or for the escape. And note, that if he which killeth another by reason of any matter inevitable *ut supra*, to be found before

fore him, by reason of any Jurisdiction that he hath to enquire of Felonies, he shall not be discharged upon such inditement found, until such time as he be araigned upon the same, and the matter also found by verdict, *ut patet ejusdem status*, for that he himself was Judge thereof. Otherwise it is if the finding of the same be before other Commissioners, *vide le Statute de malefactoribus in parcis*, made the one and twentieth yeare of *Ed.* 1. which giveth power to Forresters, Parkers and Warrenners, to kill the offendors if they will not be justified, &c.

Homicide in a defending of a mans house and his goods against thieves, lawful and justifiable for the urgent necessity thereof.

As for example, many do come to burne my house, my self being within the same, and they compasse about the house, but they burne it not; and I shoot out of the same house, and kill one of them, this is not felony, *ut patet 26. lib. Ass.* The same Law is if they come to my house and rob me, and my boy or my man that is with me in my house killeth one of them, *quod vide in Fitz. h. titulo Coron 3. E. 3. per Lowth. & ibidem p.* 505. where it was presented, that a man had killed another in his own house defending himself, and it was demanded of those that made the presentment, if he that was so slaine did come to robbe him, for in that case one man might kill another, though that it be not in defence of himselfe, &c. And in all such like cases a man shall go quit without any forfeiture, or without expecting any pardon, in that my house is unto me as my Castle, out of which the Law will not constraine me to flie, &c. The same Law is, if one come unto me when I am out of my house, and will robbe me, wherefore I kill him: for in 26. *lib. Ass.* the case was, that a thief assailed a man in his ship, and he pursued him so hardly, that the man killed him, and generally it was affirmed that the man should be discharged and quit without pardon. And note well this latter book, for that maketh expresse mention that he shall go quit without pardon; but the other bookes speak nothing, neither of pardon, nor yet of the forfeiture; wherefore it may be doubtful to some, whether he shall forfeit his goods, and whether it shall be needful

to have a pardon or not, and therefore to take away all doubts, a Statute was made *Ann'* 24. *H.* 8. the letter whereof is this, Forasmuch as it hath been in question and ambiguity, that if any evil disposed person or persons do attempt feloniously to robbe or murder, and so see the Statute at large, that it is lawful to kill him.

How necessity shall be interpreted in Homicide in defence of ones self.

Note, that the necessity ought to be so great, that it ought to be esteemed not avoidable, or otherwise he shall not be excused, for in this case ye have not to do with, as in the case before, but with a just man. And whether the person that is so killed, or the person that doth kill, doth begin the affray, it is not material, but the whole matter consisteth in the necessity inevitable, without which the killing by any means is not excusable, wherfore to make a definition of Homicide done in a mans owne defence, we must say, that properly it is when *A.* doth make an affray upon *B.* and hurteth him, and *A.* flyeth as much as he can for safeguard of his life, so that he is come to a strait, beyond the which he cannot flie, and *A.* continueth, whereby *B* hurteth and killeth him; this is called Homicide in a mans own defence. For if *B.* might have avoided the same, and did not, but when *A.* had hurt him, he then had hurt *A.* again even to death, then was it manslaughter, and so felony in *B. ut patet in Fitz.* 226. But when *A.* hurteth *B. B.* hurteth him again, but not deadly, and afterward *B.* flieth, *ut supra*, and *A.* pursueth him till that he cometh into a strait, *ut supra*, and then *B.* doth kill him, that is not felony, but in his own defence. And so ye may note, that although *B.* gave to *A.* divers wounds, that is not material, because he flieth from him as much as he can before he gives to *A.* the deadly wound. And that yee may see *in les Eyres* of *North &c.* 3. *E.* 3. And *Bracton* hath a case for the confirmation of this Law. Of Law it is, that what a man does for the safety of his body, he shall be esteemed to do justly. And note, that it appeareth before in 43. *li. ass.* before noted. And it is not a sufficient verdict to say, that the

the prisoner killed another in his own defence, but they ought to shew the matter, especially in what manner it was done. And although it be specially found upon the indictment, yet notwithstanding he shall not thereby be discharged, until he have purchased a charter of pardon for the same, the which is a confession by amplification of the indictment, or else otherwise wholly to estrange himselfe from the fact, and to plead not guilty, and so to be found. And this is so done to the intent to induce the forfeiture of his goods, being forfeit by the same offence, *ut patet* 4.*H.*7. And where the Statute of *Glouceſt. cap.*9 saith, that he ought to put himself upon an Enquest for good and evil, that it is to be understood when he is indicted of Murder or Homicide, and not where in the indictment the special matter is found; for to such an indictment of Murder or Homicide, it ought to be pleaded not guilty; for to plead the special matter, *viz.* that he killed him in his own defence, it is no plea, in that it should be as a justification; whereas such kinde of Homicide is not in any manner justifiable, wherefore he ought to plead not guilty, and then that special matter found by verdict shall give him advantage, &c. Contrariwise it is in Trespasse, for there the party shall not take advantage of a justification found by verdict, if it be not pleaded by the Party. And so note, that he shall not be discharged of this speciall matter, till such time as he hath purchased his pardon, or else be acquitted thereof by verdict: and then his discharge shall be in this manner, *viz.* if he require to purchase his pardon, he shall first be letten to Mainprise, and then he shall sue forth his Writ of *Certiorari* directed to the Judges of Assise, before whom the indictment lieth, to certifie the Record to the Lords Commissioners of the great *Seale* of *England*, who will make him a Charter of pardon in such a case of course. And for these matters *vide tit.*44. *Ed.* 3. 15.*E.*3.15. *&* 3.*E.*3. where it is said, that when a man is acquitted before the Judges of Assise, of the death of a man in his owne de-

fe nce, he shall have a Writ from the Chief Justice, within which shall be contained the whole Record of his acquital, to the Commissioners, who will make his Charter of pardon. And note ye before, that in the Eyres of *Northampton* the Jury did finde that he fled for the Felony, for which cause he shall forfeit his goods, *quasi diceret*, that he should not forfeit his goods, unlesse such a flying away had been found; but the Law is not so as it appeareth 44. & 15. *Ed.*3. & 1. *H.*7. before noted, wherefore we are to think that the enquiry of a flying was surplusage and void, &c. And consider well the words of the Statute of *Glouc*e*ster*, which be these: It is ordered and agreed, that hereafter no Writ shall issue out of the Chancery, to enquire for the death of a man, if a man hath killed another by misadventure, or in his own defence; or in any other manner without Felony, but he shall be imprisoned until the coming of the Justices of Gaole-delivery, if he cannot finde pledges for his appearance before them, and then he shall put himselfe to his trial by the countrey, *de bono & malo* And if it be found by the countrey, that he did the same in his own defence, or by misadventure, then the Justices of Ass. are to certifie the Keepers of the Liberty of *England* by authority of Parliament thereof into the Chancery, and from thence he shall have hi pardon of grace. This Statute maketh mention of Justices errant, and of Justices of Gaole-delivery; wherefore it seemeth, that if any be indicted before them, that he killed one in his own defence, that that indictment is as good, as if the same had been found before the Coroner, upon the view of the dead body, otherwise it is if such indictment be found before Justices of P. for that they have not any authority to take any such indictment. And note, that it appeareth 44. *E.*3. before cited, that there is one case where one shall be killed by Chance-medly, and yet he that killeth him shall not forfeit any thing; As if *A.* striketh *B.* to the ground, and thereupon *A.* draweth his knife to kill *B.* and B. lying upon the ground draweth his own knife,

knife, and *A.* is so hasty to kill B. that he choppeth him selfe upon the knife which *B.* had in his hand, and so *A.* was slain. And it was adjudged in this case, that the said B. was not culpable of the death of *A.* nor shall forfeit his goods, because *A.* in a manner killed himselfe, &c. And as it is in the *Eyres* of North before *page* 268. and 297. there is a case not much unlike to this case, which hath a contrary judgement, and yet if a collation between them be made, ye shall finde that they are not both alike, for there he did not lie upon the ground, but stood upon his feet, insomuch that he might have made other defence for the saving of his life then the other could that did lie upon the ground. And the case there was this, viz. *A.* did strike B. and B. did flie till that he came to a strait, as it is aforesaid, and then B. perceiving that *A.* would kill him, did hold a pitchforke between him and *A.* and *A.* was so fierce, that he ranne upon the pitchforke, and so was slaine; and yet notwithstanding this matter, B. was put to purchase his pardon of course, and besides forfeited his goods, &c.

And that is, if a man without any evil intent cast a stone, or shoot an arrow, whereby one is hurt unawares and slaine, going to the market or about any other necessary and lawful businesse, this manner of killing is Homicide by misadventure, for the which the offendor shall have his pardon of course in the like sort as before in the case where a man shall have it for killing of a man in his own defence. And that is by the said Statute of *Glouc ut patet.* 3. *E.* 3. and he shall forfeit his goods as before in the case of killing a man in his own defence, *vide* the Statute of *Marlebridge*, *cap.* 15 that saith, Misfortune hereafter before the Justices shall not be adjudged Murder, Murder is to be taken only of those that are killed of Felony. By which Statute it appeareth, that misadventure by the Common Law was adjudged for Murder; but that ought to be with a distinction which *Bracton* hereafter hath made. That is to say, where one

hath done a thing lawful and where not, for if he have done an unlawful thing, and if any misadventure do thereof ensue, whereby any one is slaine, that is Felony at this day, if it be not murder; And therefore if *A.* strike *B.* and *C.* comes between them to part them, and is deadly wounded by the said *A.* or *B.* without any evil intent, yet notwithstanding if *C.* upon that hurt do die within a yeare and a day next after such hurt given, it is Felony in him which hurt *C.* and not a misadventure, for that the fact which *A.* and *B.* did was unlawful, *ut pat' tis' Coron' 22. libr. Ass.* And if *A.* and *B.* did intend one to kill the other, then it is Felony in them both, *ut pat.* 22. *Ed.* 3. And note that the same order is to be observed in pleading the verdict, forfeiture, and pardon of one that killeth any by misadventure, as is aforesaid, to be of one that killeth another, in his own defence, and the said Statute of *Gloc.* extendeth as well to the one as to the other.

Homicide called Felo de se,

Bracton defineth *felo de se* in this manner, *viz.* in the same manner that a man may commit Felony by killing another, may he commit Felony by killing himself; if any man taken for some crime done, *viz.* for the death of man, manifest theft, because he is out-lawed, or any other wickednesse, and fearing the punishment over him, shall kill himselfe, he commits Felony of himself; he shall have no heire, he has convinced himself of the Felony before done, *viz.* theft, death of a man, or such like, and the fear of conscience in the guilty is as much as the confession; Agreeing to *Bracton*, ye shall see the book *tit. Coron' in Fitz.* 259. where a Felon of himself shall forfeit his lands, but whether he had before he killed himself committed Felony or not, appeareth not by the book, *Ideo quær.* if this distinction that *Bracton* hath made be Law at this day, for it appeareth in divers other bookes, that a *felo de se* shall forfeit his goods only, and no lands, as *page* 301. 362. 410. *tit. jam dicto*, and there also it appeareth, *page* 324. That if one that is frantick from day to day do kill himselfe, that such

ſuch a man ſhall forfeit no goods or chattels, but otherwiſe it is if he be not frantick from day to day, but only at ſome times. Alſo there *page* 244. was preſented. A certain Lunatick ſtruck himſelfe with his knife, recovered his wits after the Church-Rites performed to him, died of his wound, his chattels were not forfeited. The contrary whereof you ſhall finde *pag.* 142. But the Law is clear, that if a man which is of good memory, committeth the ſame fact in ſuch manner and afterward recovereth, and yet notwithſtanding dieth of the ſame plague that he gave to himſelfe, he in that caſe ſhall forfeit his goods, *vide ibid.* the caſe *page* 94. that was before remembred. That is to ſay, where A. ſtriketh B. to the ground, and thereupon A. plucketh out his knife to kill B. and B. lying upon the ground, plucketh out his knife, and A. is ſo haſty to kill B. that he choppeth himſelf upon the knife of B. and ſo is ſlain, in this caſe A. is a Felon of himſelf, and that caſe agreeth with *Bracton* heretofore.

Deodand eſt, where any perſon cometh to his death by miſadventure of any thing that ſhall fall upon him, or by miſadventure of a fall that he taketh from a Cart, or a horſe, or any other thing, the ſame not being occaſioned by any other perſon, the thing that ſo occaſioned the death ſhall be forfeited, and taken as a *Deodand.* to be diſtributed in almes, for the benefit of the ſoule of the dead perſon; And note, that it is not material whether the thing that killeth him be moving at the time that he was killed or not, for although that it be not moving, yet notwithſtanding it ſhall be called a *Deodand.* as well as that which was there moving, as it ſhall be hereafter expreſſed; and therefore when you ſpeak of a thing moving, that it *is* only to this intent, *viz.* That all things moving with the thing that is the occaſion of the death, ſhall be forfeited, as well for a *Deodand.* as the principal thing, *quod vide tit. Fitz.* 403. where it is ſaid, that every thing which moves, with that which kills a man, is a *Deodand.* to the King, or to the fee of the

Homicide not committed by man, but by ſome caſualty wherof cometh Deodans.

Clerke; and therefore ye ſhall finde *ibid. page* 398. where a man did cut down a tree, the which did fall upon the bough of another tree, which bough did fall upon a man and killed him, and was adjudged that as well the tree as the bough ſhould be a *Deodand*. And the ſame Law is, where a man doth ride upon a Cart, and the Cart falleth upon him and killeth him, here as well the Horſes which drew the Cart, as the Cart it ſelf, ſhall be *Deodans, ut pat. ibid. page* 388. and ye ſhall finde. *page* 397 That a man being upon a Cart loaden with fagots, and binding it, fell with the motion of one horſe in the cart by the which he died, and the horſes and the cart were adjudged for *Deodans*. Alſo *page* 405. A beame on which did hang a bell, did fall upon a man and killed him, the bell as well as the beam were adjudged for *Deodans*, notwithſtanding they were goods of the Church, but of grace, and out of honour to the Church, the Chief Juſtice gave them back. *Et page* 326. A man falleth out of a cart loaded with hay, and the wheele of the Cart doth break his legs, whereof he dieth, and the hay was adjudged to be a *Deodand*, as well as the cart; *item page* 242. A man falleth out of a cart, and breaketh his neck, as he was loading of it with ſtraw, by the moving of the horſe, the horſe and cart were all adjudged *Deodans*, and not the ſtraw, by reaſon that the ſtraw was not the occaſion of his death, *quære differentiam, &c. Et page* 401. One riding his horſe, drownes himſelf, the horſe is adjudged a *Deodand*, &c. Hitherto we have ſpoken of things moving, which do cauſe *Deodans*; Now let us ſpeak of things not moving and yet ſhall be *Deodans*, *vide titulo jam dicto page* 409 Where a Carter climing upon one of the wheeles of his cart to gather plums, and falleth from the cart whereby he dieth, and becauſe it is witneſſed, that neither the horſes nor the cart moved, onely the wheele is a *Deodand*. The ſame Law is, where a man doth fall into a pond of water, which water carrieth him under the utter wheel of a mill, by which wheel he was oppreſſed,

and

and killed, and the wheele only in this case was adjudged a *Deodand*, *ut patet ibidem page* 389. *Vide ibidem page* 348. where it is said, if a man fall from a loade which is worth a C. pound, by the which he receiveth his death, all the same shall be a *Deodand*. And also it appeareth by these cases, that *Deodans* shall be as well of things that move under a man and kill him, as of things which do not move, but the man also moveth himself from them. And note, that before it is said, that all things moving with the thing that is the occasion of the death, shall be forfeited. So in like manner, all things not moving with the thing which is the occasion of the death shall not be forfeited, as in part you may perceive by the case of the cart and the straw before cited. *Et titulo Forfeitures in Fitzh.* 12. R. 2. wherein a masse of earth fell upon a man and oppressed him in such sort that he died, and it was adjudged that the said *massa terra* only should be forfeited, and not the hole or pit where he was killed. The same Law is where a man falleth from his horse, and quasheth his head against a block, whereof he dieth, the horse only shall be adjudged for a *Deodand*, and not the block, in that it moved not at all, *quod vide ibidem page* 341. And also *Britton, titulo Coron. fol.* 8. saith, That if a man fall out of a ship sailing, nothing is the occasion of his death, but only the ship, and yet the things moving may be said to be the causes of his death, the merchandises lying at the bottome is not any cause of his death. This ship so sailing ought to be upon the fresh water, &c. for if it should be on the salt water, it seemeth that it should not be a *Deodand*, as it appeareth by *Bracton titulo Murder*, who saith there in this manner, *A ship is not a Deodand, nor a boate, nor other chattels of the drowned in the Sea, or salt water, nor shall there be wrack, if there be any man who can avow them, and make proofes.* *Et nota*, that it seemeth to one by the books before page 389. That if he die by misadventure, and be within the age of 14. yeares, that then nothing shall be forfeit for a *Deodand*,

for

for there presentment was that *A. the sonne of B. above an. &c. tamen quære & vide Fitz. titulo de Indictments page 27.* That where a man was found dead in the field, *Belknap* said that his appeale should be given to the Church to pray for his soule, and should not be taken for a *Deodand.* and note that every *Deodand.* the Sheriffe shall answer, *viz.* he shall be charged to levie the price thereof of the village, notwithstanding the thing was not delivered to them to keep before, *quod mirum ut patet ibid. p.298.* And therefore when such a misadventure is found, the Presenters should fine, appraise, and value the *Deodand.* and the Coroner should returne the same in his Inquisition, and in whose custody the same remaines, so then the Keepers of the Liberty of *England* by authority of Parliament, may know by that Record, of whom to demand it by Processe out of the Capital office of the Upper Bench.

It is requisite that the thing that is killed be in *rerum natura*; and therefore if a man do kill an infant in the mothers belly, that is not felony, nor he shall not forfeit any thing for it, and that for two causes, one is, for that the thing that is killed hath not the name of Baptisme, the other is, for that it is hard and difficult to judge whether he killed it or no. That is to say, whether the infant died of the beating of the mother, or by any other occasion, *ut patet titulo Corona, &c. p.263. & vid.* there *p.146.* A more strange case, *viz.* a man did beate a woman great with child of two children, so that immediately one of the Infants died, and the other was borne alive, and baptized by a name, and two dayes after, for the hurt that she had received she died, the opinion was as before, that it was not felony in the man, *& vide* the same case in *Fitz. titulo Indictments: page 4.* But it seemeth that the reason where it hath no name of baptisme, is not of any force, for ye may see *titulo Corona* before *page 418.* that it was presented, A certain woman going toward the Chappel, brought forth a son, and presently cut his throat, and cast him into the pond, and fled, therefore

let

let the exigent issue against her, and let her be out-lawed for that was homicide, in that the thing killed was in *rerum natura* before it was killed, and so nothing like the case before, *scilicet*, where the infant was killed in the mothers belly, &c. the which case *Bracton* affirmeth for Law, in his division of homicide before, saying, in this manner, *If any man strikes a woman with childe, or poison her, by which he makes abortion, the birth shaped and animated, especially if animated, it is homicide*; but contrary to this seemeth the Law as before.

Item, it is requisite to homicide, that if one beat another, whereof he dieth, that that death be within twelve moneths and a day next ensuing the same beating, *ut patet, page* 303. The same Law is, if poison be given to one feloniously that he die within the year next after, &c.

It is a common erudition amongst us, That if a Statute-Law give a remedy for any offence, we may understand thereby, that before there was no remedy for the same offence at the Common Law, other then is not expressed in the said Stat. except we have read any thing that may induce us to beleeve the contrary. The Statute of Westminster the first, *cap.* 13. defendeth Rape in this manner, *viz.* The Keepers of the Liberty of England by authority of Parliament defendeth that none shall ravish nor take by force a maid within the age of eleven yeares, with her consent, or without her consent, nor any dame or maid of age, nor other woman against their will; and if any so do, the Keepers of the Liberty of Engl. aforesaid shall do him common right, and if none commence the suit within 40. dayes, then the Keepers of the Liberty of England may sue, and those that shall be found culpable shall have two years imprisonment, and afterwards shall be arraigned at the Keepers of the Liberty of England aforesaid pleasure, and if he be not araigned, he shall be punished by more longer imprisonment, according to the quality of the trespasse. The Readers of this Stat. if they have not read *Glanvil* & *Bracton* do think, that by the common Law Law-rape was but trespass, where in truth it was felony, or other more grievous crime, & first *Bracton* in his 2.

book of Rape, saith in this manner, *Rape of Virgins is a certain crime which a woman layes upon any, by whom she sayes she was violently oppressed against the peace, and which offence, if it be convicted, punishment followes, to wit, losse of Members, that there may be member for member, when the Virgin is deflowred she loses a member, he that deflowered her shall be punished in the part offending.* Here I have expounded that which was the common Law in Rape before the Statute of *Westm.* 1. wherewith *Glanvil* agreeth, *fol.* 113. Also I finde amongst the Lawes of St. *Edwin*, once King of this Weal publick, this Law, *If any man has to do with a Nunne, let him be punished as a Homicide.* By the which it appeareth, that he which hath committed but fornication with a Nun, or with a holy woman, he should be punished as a Homicide, *A multo fortiori*, then should he be punished if he had ravished. So that Rape at the beginning was much detested and abhorred, and very great and grievous punishment adjoyned thereunto, till the time of King *Edward* 1. who seemeth by his Law made at *Westm.* 1. to have mitigated the paine of the same, and afterward espying the great enormities that ensued the same Law 3 At his next Parliament holden at *Westminster*, called *Westm.* 2. *cap.* 34. did make the same offence of Rape to be felony: The words of which Statute be these: It is enacted, that if a man doth ravish a woman espoused, a damosel, or any other woman hereafter, whereunto she neither hath assented before nor after, he shall have judgement of life and members. And in like manner, where a man shall ravish a woman, dame espoused, damosel, or any other woman by force, although she assent to the same afterwards, he shall have the like judgement as before is said, so that he be attainted at the Keepers of the Liberty of *England* by Authority of Parliament suit, and in that case the Keepers of the Liberty of *England* aforesaid shall have their suit.

The Statute maketh no definition of Rape, but leaveth the same to the Common Law. Also it seemeth to make a difference between ravishment with force, and ravish-

ment

ment without force. And therefore *quare* what manner of fact he intendeth. *Briton* ſaith, *fol.* 45. that if a woman at the time of the Rape conceiveth with childe by the Raviſher, that it is no Rape, for that, that no woman can conceive if ſhe aſſent not thereunto. Alſo *Bracton* ſaith, That it is a good plea in an Appeale of Rape, to ſay, that before the time of the Raviſhment ſuppoſed to be done, he held and uſed the Plaintiffe as his Concubine; Alſo it is a good plea for him to ſay, that though he did lie with her, yet he knew her not carnally, for that is the force of a declaration in an Appeal of Rape. And alſo note, that if a man be to be charged wiah Rape, by way of indictment or otherwiſe, he ought to be charged expreſly by this word *Rapuit*, and not by any other words, though they amount to as much as this word *Rapuit* doth, *ut puta carnaliter cognovit & hujuſmodi*, as it appeareth 19 *E.* 4. *fol.* 27. Alſo there is another Statute concerning Rape, made *ann* 6 *E.* 2. the which doth put great penalties and forfeitures upon the woman which conſenteth to the Raviſher after the Raviſhment, and yet nevertheleſſe doth give an Appeale of Rape to the husband of the wife that is raviſhed, and if ſhe have no husband, then to her father or to her next of her blood, and that the Def. ſhall not gage battel in ſuch appeales.

Bracton ſaith of treaſure found in this manner, *There is amongſt the reſt a grievous miſpriſion againſt the K. which is as the crime of theft. ſc. fraudulent hiding found Treaſure, &c.* Note, that *Bracton* ſaith here, that the hiding of Treaſure found is *gravis preſumptio*, ſo that it ſeemeth, that in ancient time it was doubtful whether it was Felony or not. And therefore it is ſaid, *vit. Coron. in Fitz.* 187. that the puniſhment of treaſure found is taken away, and is now by impriſonment and fine, and not of life and members, &c. *Of treaſure trove.*

Et ibidem eodem titulo page 446. *It appears, Treaſure belongs not to the King, but when it is not known who hid it.* So that if it be known to whom the property is,

is, then the Common-wealth ſhall not have it, but he to whom the property thereof belongeth, and it ſeemeth that if he die before the finding, that his Executor ſhall have the ſame. And ſee there, *that Treaſure belongs not to the King, nor to the Lord of the Liberty, if not by words ſpecial, or by preſcription.* *Briton* in his book *fol.* 26. ſaith, that treaſure found in the ſea, or upon the land, and not in the earth appertaineth to the finder, and not to the Common-wealth, &c. Alſo he ſaith, that when a man hath found it, he ought preſently to let the Coroner or Coroners of that County underſtand thereof, or elſe the Bailiffe and the Coroner, without delay, ought to enquire if any thing thereof be purloined away.

Of a Mayhem.

Note, that *Briton* ſaith, that Mayhem is properly ſaid where any member of a man is taken away, whereby he is the more unable to fight, as if the eye, the hand, the foot, or by bruiſing of the head, or knocking out of the foreteeth, but cutting off the ear or noſe is no Mayhem, but a blemiſh of the body. *Seton* Juſtice ſaid 29. E. 3. that every finger of the hand ſhall be ſaid to be a Mayhem, if it be cut off.

Item 8. *H.* 4. ye may ſee there that it is no Mayhem to cut off the eare of a man, by which he loſeth his hearing, but the knocking out of the teeth is a Mayhem for that with them he may defend himſelf in battel. And *Bracton* agreeth therewith, for he ſaith in this manner, *Mayhem may be ſaid, where one is maimed in any part of his body to fight, by him whom he appeales.*

Note that theſe places and territories here expreſſed and declared, are allowed for Sanctuaries for Felons, if they can get to them before they be taken, *viz.* *Wells*, in the County of *Somerſet*, *Weſtminſter*, *Mancheſter*, *Northampton*, *Norwich*, *Yorke*, *Darby* and *Launceſton*, for all ſuch Felons as may have the benefit of their Clergy by the Laws of this Weale publick, and for none elſe; For Treaſons, Rapes, Burglaries, Robberies by the high way, or in a houſe where any are put in feare: burning

of

of houſes or barnes wherein corne is laid: robberies of Churches, Chappels, or other hallowed places: ſtealing of Horſes, or Mares, and Murder, with their abettors, procurers and counſellours: All theſe offences are excepted by the Statute of 26. *H.* 8, *cap.* 13. *&* 32. *cap.* 11. *H.* 6.

Of principall and acceſſarie.

Note, that in high Treaſon there is no acceſſary, but all are principals *ut pat.* 3. *H.* 7. *fol.* 9. So that what offence ſoever maketh a man acceſſary in Felony, the ſame offence in high Treaſon maketh him principall, therefore it is to be ſeen who ſhall be acceſſaries in petty Treaſon, or Felony, or in other like crimes, in which acceſſaries may be.

Of acceſſaries before the offence committed

Note, that if one procure or command another to do a Felony, but is not preſent there when the other doth the ſame: This procurer or commander is but acceſſary before the Felony done, *ut patet* 7. *H.* 4. *fol.* 30. but otherwiſe it is, if he be preſent at the time and place, when and where the Felony is committed, for in that caſe he is a principal, *ut pat.* 7. *H.* 4. *f.* 13.

The ſame Law is, if a man be preſent at the death of a man, and he moveth and ſetteth on others to wound him and kill him, in this caſe he is as farre forth a principal as he that killed him, *quod vide* 13. *H.* 7.

The ſame Law is, if he were preſent, and cometh thither for the ſame purpoſe, though that at the ſame time he moveth not the other to ſtrike him, or kill him, nor doth any thing himſelfe, yet he ſhall be adjudged as a principal, *ut pat.* 21. *Ed.* 4. Alſo *vide tit. Coron. in Fitz. fol.* 309. where it was found that one that was preſent, yet did nothing, but would have aided his companion, if the dead perſon had made any reſiſtance, and for that he was adjudged a principal. And according to this *vide ibidem page* 314. 350. and 433. That all thoſe that come in company in any place, or any aſſembly where any evil is done, be it homicide, robbery, or any other treſpaſſe, they ſhall all be accounted as princi-

principal doers, though that they do no hurt at all. And therefore a man was condemned in that he was a disseisor where a man was killed, and it was said by twelve that he came not thither to do any evil. And note, that as it was of homicide or murder, even so it is of any other felony, as of rape or robbery, *quod vide titulo Coron in Fitzh. 228. & 11. H. 4.* where in an Appeal of Rape against two as Principalls, whereas one did not the act, but assisted and aided his companion to do the same, *& titulo Coron. in Fitzh. fol. 330 & 324.* where only one did the robbery, and the other were in his company, and came with him for the same purpose, &c. But if one do chance to be present when another is slain, or when another felony is committed, and cometh not in the company of the felons, nor is of their confederacy, although he withstand not, or disturbeth not the felon, nor levieth hue-and cry, yet he shall not be said either principal or accessary; for it is not felony in him, but finable as a trespasse. And if such a man be within age, he shall have no punishment, *quod vide titulo Coron. 395. & 14. H. 7. f 33. & vide titulo pred. 293.* where such a man that was of full age, was but amerced in such a case, &c. *Temen 314. ibid.* it appeareth that such sufferance is felony, & so was the opinion of *Shard 197.* but it is against the law, as it appeareth in the books before cited, &c.

Also if *A.* hold *B* in his armes till such time as *C.* killeth him. *A.* for that cause is principal, *ut pat. 13. E. 3.* And note ye, that the Law at this day, as concerning accessaries, is as you have heard before, though that in ancient time some Judges did varie in their opinions for Law, in that point: for it appeareth, *tit. Corone in Fitz. 90. 11b.* That in the 40. yeare of *Edward* the third, they took the Law to be, That he that was present when any was slaine, and aiding and commanding the Killer, should not be principal, but accessary, &c. and in that they did agree with *Bracton*, who saith in this manner. viz. *If those that were present joyned in the force and fact* &c. And after the attainder of the principal fact, he goeth to those

that

that be appealed of force, and maketh the appeal in this manner, viz. *A. appeales B. of force, that when the said A. and C. his brother were in such a place &c.* Also he saith in another place. That if two be appealed as Accessories to a third person, *scilicet*, one of force, and the other of commandment, they shall wage battel, before he shall that is appealed of Commandment, *force in a manner comprehends the fact which commands not.* And so by him that is present when one is killed, and being counselling, aiding, or in any other manner assisting, so that he slayeth him not himselfe, he is then but accessory, &c. And with him agreeth the Statutes called *Officium Coron.* made the third yeare of King *Edw.* he first at *West.* 2. but the Law is not so at this day: and yet the account in every appeale against the principal is, that every one principally did help, and did strike the party slaine, deadly; But to that may be said, That those words be but words of forme, and also it is his help in Law, &c. If I command one to take another, and he goeth from me and taketh him and robbeth him: If I be absent when he doth the same, that is not felony in me, *ut patet tit. Coron. in Fitzh.* for that he exceedeth my commandement, and my commandment might have been performed without robberie, &c.

But if I command one to beat another, and thereupon he beateth him to death, that shall be felony in me that commandeth, *ut pat. ibidem* 314. for it is difficult and hard to beat a man in such sort, that it shall be said he shall not die of such beating, &c. therefore in such case I am accessory to him that killeth him, by reason that it was done upon my commandment, &c.

That is, where one receiveth a Felon, well knowing of the Felony that he hath committed, or favoureth him, or by aiding him, he there shall be said to be an accessory after the fact. But *distinguend. est*, of this aide or counsel; for if he aide him with his good word, and sueth for his delivery, or sendeth letters for his deliverance, that maketh him not to be accessory to the felony: *ut*

Accessories after the offence committed.

patet titulo Corone in Fitzh. pag. 195. &c. Nay, this definition is to be made of an Accessory, it extendeth only to those that be Accessories to a principal attainted; for if after the Atteinder one receiveth and aideth him, That is, after he be convicted of the Felony by verdict, outlawry, or confession, he seemeth to be an Accessory, though that he knew him not to be a Felon, in that he is a Felon by matter of Record, of the which every stranger is driven to take Cognisance, *tamen quære*; for ye shall finde *titulo prad. page* 377. one note, which is thus, *scilicet* Note ye, that when a man is indicted for the receiving a man out-lawed for Felony in the same County, then he shall lose both life and members. *Secus esset in alio Comitatu. Ergo*, thereof ensueth, That if one be outlawed for Felony in one County, and another receiveth him in another County, he shall not be Accessory, for that he cannot take Cognisance of that which was done in another County, though that it be matter of Record, &c. And agreable to this note, *I* find in *Bracton* written thus, *If any man shall give meat to such one after out-lawry, shall entertain or receive him, nay, but hide him, he shall be punished in the manner the outlaw should.* So that it seemeth he maketh no difference between matter in fact, and matter of record, &c. in that he maketh *Scienter* material in the case, &c. And note ye, that by the Common Law, if one commit Felony in one County, and before his Atteinder one other receiveth him feloniously in another County, that was not felony in the receiver for default of trial, in that those of the County, where the Accessory offended, could not have Cognisance of the principal offence committed in another County, *quod vide titul. Corone page* 33. *& 43. Ed.* 3, wherefore a Statute-Law was made *anno* 2. *& 3 Ed.* 6. which is in this manner: Forasmuch as the most necessary office and duty of Lawes, is to preserve the life of man, and condignely to punish such persons that unlawfully and wilfully murder, slay, and destroy men, &c. Note the preamble of this Statute.

And

And alſo it is a common practice amongſt arrant Theeves and Robbers in this Common-wealth, that after they have robbed and ſtolne in one county, they will convey their ſpoile, and part thereof ſo ſtolne, to ſome of their adherents in another county, where the principal offence was not committed, nor done, &c. By this preamble it appeareth, That if one felonioufly received parcel of the goods ſtolne, that he ſhall thereby be an acceſſory, &c. *quær.* thereof; for ye ſhall finde *titulo Coron. in Fitzb. page* 126. That one ſhall not be acceſſory for receiving of goods ſtollen only, if he receive not the Felon himſelf alſo. And therefore the Indictment was there, That knowing and felonioufly received the Thief, &c. and he was diſcharged thereof *ratione jam dict.* But if he had as well received the Felon himſelf, as the goods, then otherwiſe it were, *ut patet 9. H. 4. fol. 1. & tit. Coron. in Fitzb. page* 427. where a Felon did flie to his brothers houſe, and his brother did ſhut the doore, and the Countrey that purſued him were deceived thereby; for they did conjecture that he had continued in the houſe, when he did flie thence to the Church; whereupon his brother was adjudged acceſſory to that Felony, *&c. ut par. ibidem pag.* 196. That a man may be an Acceſſorie to an Acceſſorie; As if a man felonioufly do receive him that is an Acceſſory to a Felon, &c. Alſo it appeareth there *page* 48. That he that receiveth an acceſſory of a Felony is principal, and not acceſſory, &c. And the reaſon thereof as I underſtand, is, for that by this receit, a new Felony is committed by him, though that it dependeth upon the ancient and former Felony; &c. And note ye, that *Bracton* counteth an Acceſſory, *a receiver of bad men, &c. ut ſupra c.* 19. *fol.* 26. and ſaith, that a woman cannot be acceſſory to her huſband.

I have already entreated of Acceſſories by the Common Law, now therefore I will entreat of Acceſſories by the Statute-Law. It ſeemeth though an offence be *Acceſſories by ſtatute.*

made Felony by *Statute*, though the ſame *Statute* doth not ſpeak expreſſly of abettors, procurers, counſellers and receivers, yet it ſhall be taken to be within the compaſſe of that Statute, as it appeareth in the title of Treaſon, 19. H. 6. where the conſenter and aider to the counterfeiting of the great *Seale*, or the Commonwealths money, was adjudged a Traitour: and yet the words of the Statute are, if a man do counterfeit, &c. the which thing the other ſeemeth not to have done, in that he was not but conſenting and aiding to the ſame, &c. The ſame Law is in caſe of Rape, where one did the fact, and another aſſiſted him, and aided him to commit the Rape, he thereby is a Raviſher as far forth as his companion which did the Rape indeed, as it appeareth 11. *H. 4 & tit. Coron. in Fitzh. page* 120. And yet notwithſtanding the words of the Statute of *Weſtm* 2. *cap.* 34. are, if a man raviſh a woman, &c. but that was the cauſe of the Rape, without which perhaps the Rape had not been committed: and principal doer, in that he was preſent when the fact was done, and therefore as well culpable of the fact as the principal doer is. And if any be acquitted of a principal fact, he is then acquitted of all offences as acceſſory before the principal fact committed, but not of offences perpetrated as acceſſory after the principal fact done, as it ſhall appear after: and therefore ſome will argue in this caſe, as though that acceſſories before the offence committed, be taken to be within the compaſſe of a Statute that maketh Felony, though they be not expreſſed, for the reaſon before made, yet notwithſtanding that proveth not, that acceſſory after the offence perpetrated, ſhould be within the compaſſe of ſuch a *Statute* if it be not expreſſed. But howſoever it be, thoſe of the Parliament in the time of King H. 8. provided for the ſame, as it appeareth as well by the *Statute* of Hunting, *anno* 32. H. 8. as by other Statutes which at this inſtant are not in force. And by a Statute made in the firſt and ſecond yeare of P. and M. againſt unlawful and rebellious aſſemblies

blies, which Statute is yet in force. And by a Statute made I. M. concerning *Egyptians* as yet also being in force. The which Statute provideth as well for accessories before the offence perpetrated as after, *vide* the Statute of 3. H. 7. of those that take maides, widowes or wives against their wills, where the words are, that such taking, procuring, and abetting to the same, and also receiving wittingly the said woman so taken against her will, and knowing the same, is Felony: And that such misdoers, takers, procurers, and receivers to the same, knowing the said offence in forme aforesaid, be henceforth reputed and judged as principal Felons. Note, as it seemeth there is no accessory in this offence upon the Statute, in that by the words they be reputed and judged as principal Felons, which maketh them, as it seemeth, all principals, &c.

Note, that in an appeal of Mayhem, The Plaintife may chuse to make every of them principals, or him only that did hurt him, to be principall, and the others accessories, *ut patet* 115. 121. and 199.

How the principal shall first be attainted, and after the accessories.

There are three sorts of attainders, *viz.* by confession, by verdict, and default or outlawry, and in all these cases the principal ought to be attainted before the accessory: but in the manner of proceeding to this attaint, there are diversities of opinions, for *Bracton* saith upon the atteinder by proces in this manner, *the causes of outlawry may be many, &c.* So that it appeareth, that at that time there was diversities of opinions about the manner of atteinder of accessories by outlawry, which diversity was taken away by the Stat. of *Westminster* the first, the which is thus, *viz.* And for that, that men have used in some countries to outlaw the people appealed of commandment, force, aide and receipment within the same terme, in which a man should outlaw him that is appealed of the fact as principal. It is provided and commanded, That none be outlawed for appeal of commandment, force, aide or receipment, until he that is appealed of the fact be attainted; so that one

onely Law thereof be throughout the whole Land, &c. But he that will appeal, should not therefore cease to continue his appeal at the next County against those, as well as against the Appellees of the fact, but the Exigent against them shall stay until such time as the Appellees of the fact be attainted by outlawry or otherwise. This Statute is not to be understood of Appeales commenced by bill: for Appeales commenced by Writ, there appeareth not any to bee accessary till such time as the count be made, the which is not made, till such time as there be also appearance for the accessory, *ut patet 43 Edw. 3. fol. 15.* wherefore in that case where an Appeale is commenced by Writ, if the Plaintife will pray the Exigent against all he is thereby concluded to count after, against any one of them as accessory, for if otherwise, &c. he should not have the Exigent against all them until the principal had been outlawed, for in that case he is concluded, *ut patet tit. Coron. in Fitzh. p. 80.* This Statute willeth that the Appellee of the fact be attainted before the Accessory shall be outlawed: Admit then, that at the time when the Accessory is at the Exigent, the principal appeareth, if then the Exigent shall be awarded against the accessory, till that the Processe against the Principal be determined, &c. It seemeth not, for notwithstanding that the Processe be determined, yet the principal is not attainted; and until such time as he be attainted, the Accessory ought not to be outlawed, *ut supra 7. H. 4. fol. 31,* That which is said, extendeth to that where the accessory doth not appear, but maketh default: Wherefore now let us see what shall be done when the accessory appeareth in judgement, and the principal also, and in respect thereof, note you that by the ancient Law, the accessory should not be put to answer, till such time as the principal had been attainted. *ut patet per Bracton, If all be present, those as well of force as of fact, the proceeding must be against all in order, but those of force are not to answer till the fact be*

be convinced, &c. And agreeable unto him is the book of 44. *Edw.* 3. *fol.* 9. *& tit. Coron in Fitzh.*216. but since that time the Law hath been changed, &c. For now, be it that the principal appear or make default, the accessory, if he appear, shall answer, but if he plead to an issue, processe shall cease to be awarded against him for his trial, until the principal do appeare, or be attainted of outlawry, *ut pat.& 9. H* 4. *&* 7. *H.*4. but yet those Processe against the Jury shall not cease, unlesse the Accessory will, for if the accessory will pray processe against the Inquest, before the principal be attainted, he shall have them, in that it is damage to none but himself, and whether he be attainted or acquitted, it is good, and he shall not be again arraigned for that offence; for the taking of the Inquest or verdict, is not erroneous for the reason before made, *ut patet titulo Coron.* 463. The same Law is if the accessory will wage his battel with the appellant before the principal doth come, *ut patet ibidem pag.* 8. for he may wave the benefit that the Law doth give him therein, &c.

Note ye, that if the plea which the accessory doth pleade, be a plea in abatement of the whole writ, the principal therein shall have the advantage, notwithstanding his absence, so that the Exigent that is to be awarded against the principal, shall stay till it be known whether the whole writ shall abate or not, *ut patet* 9. *H.* 4. but if they both do appear, *viz.* the principall and the accessory, then the principal must first answer, and after the accessory, for such answer the principal may make, that the accessory shall not be put to answer, till the answer of the principal be tried. And that is where the principal doth not plead directly to the felony, but some other plea; As if he plead that he was once before attainted of the same felony, and the appellant to the contrary that is not so, and so they are at issue, in this case the accessory shall not answer before that issue be tried, 9. *H.* 7. *Quare*, if the like Law be where the principal pleadeth in abatement of the whole writ,

&c. but if the principal plead to the felony, the accessory then presently after such plea shall plead also: And if they be at issue, a *venire fac.* may be awarded against them all, *ut patet tit. Coron.* where *Fortescue* saith, that if at the day in the Court the principal maketh default, the Inquest shall not be taken for the accessory, but that the Inquest shall go without day, and the principals, manucaptors, or sureties, shall make their fine, &c. And that agreeth with that which was said before, *scilicet*, that the Inquest shall stay for the accessory till such time as the principal cometh to be attainted by outlawry, &c. Note, when I speak of the principall, I meane then all the principals; for if there be divers sued as principalls, and some of them do come, and some do not, yet the Inquest shall stay untill all the principalls do come, or be attainted of outlawry, if it be so that he be appealed or indicted as accessory unto them all; otherwise it is, if he be not appealed or indicted as accessory to one of them; for there it sufficeth those principals only to come, or to be attainted for whom he is appealed or indicted as accessory, without having regard to the residue, *quod vide* 7. H. 4. *fol.* 30. *& tit. Coron. in Fitzh.* 216. Also note yc, that it is requisite that this attainder of the principal, be in the same suit in which the accessaries be sued, for if it be in another suite, that will not permit the accessorie to proceed in his Inquest till such time as the principal that is sued with him do come in, or be attainted by Processe as aforesaid. And in an appeal of death, against the principal and the accessory, the principal before that time is attainted of the very same death, upon an indictment at the Keepers of the Liberty of *England* by authority of Parliament suit, *ut patet* 7. H. 4. *fol.* 30. *Quære*, if the accessory shall plead for his discharge the acquittal of the principal in another suit, *ut patet* 277. Also it seemeth that if the principal since that attainder is dead, and the Justices before whom such accessory is sued, have before them the record of the attainder, that then they

may

may proceed againſt the acceſſory, otherwiſe not, 7. *H.4. fol.*23. We have ſaid before that the Inqueſt ſhall not proceed againſt the acceſſory, till ſuch time as the principal do come in, or be attainted, &c. Admit then that the principal doth come in, and will ſay nothing, but ſtand mute; What ſhall in that caſe be done with the acceſſory? *Huſſey* ſaith, 3. *H.* 7. That that notwithſtanding the acceſſory ſhall be arraigned, *quod vide titulo corone* 36. *&* 51. where the principall challengeth above the number of 36. which was peremptory to him, therefore he was hanged without farther trial, becauſe he ſhould challenge but juſt 36. or under and not above, and in that caſe the acceſſary was tried, and found guilty; and the Juſtices did adviſe with themſelves, what ſhould be done in that caſe, for they were of divers opinions, &c. This attainder whereof we have ſo often ſpoken, though that it be erroneous, yet notwithſtanding that Court ſhall proceed with the acceſſory, for the acceſſory ſhall utterly take advantage of that error, *quod vide anno* 2. R. 3. *f.*21. Alſo there is one caſe, that although the principal be not attainted, yet the acceſſory ſhall be hanged; as if one abjure as acceſſorie, and afterward the principal cometh, not being attainted, *Tamen* the Juſtices *in favore vitæ*; did enquire if the acceſſory was attainted or not. The ſame Law ſhall be in the caſes aboveſaid, as it ſeemeth where the acceſſory of his own good-will will wage battel, or have the inqueſt proceed before the principal doth come, &c.

Whether the acquital of the principal diſcharge the acceſſory, or not.

Note, that if the principal be acquitted, the acceſſory is thereby diſcharged, for *Bracton* ſaith, where no fact was, no force, no command ought to hurt, where the wrong had no effect, &c. Wherefore it is clear, that the acquittal of the principal, is alſo the acquittal of the acceſſory, or if it happen that the principal cannot be tried, as if he die in priſon before he be attainted, thereby the acceſſory is diſcharged, otherwiſe it is if he die after the Attainder, &c. The ſame law is, if before the principal be attainted of the felonie, he is attainted of another

nother felony and hanged, the acceſſory hereby is diſcharged, *ut patet tit. Coron. in Fitz.* 378. The ſame law is though he be not hanged after the atteinder, in that caſe he ſhall anſwer to any other felony, unleſſe it be robbery or treaſon. The ſame Law is, if it be found that the principal killed him *ſe defendendo*, the acceſſory is thereby diſcharged, *ut patet* 116. *Et tamen* there the principal purchaſeth his pardon, &c. But that Pardon argueth not that hee is culpable in any other manner than *ſe defendendo*. But of other pardons otherwiſe it is, for if the principal doth plead his pardon to a felony generally, without any ſpecial matter found, the which ſhould cauſe the pardon, and is thereby diſcharged, yet that ſhall not diſcharge the acceſſory, but he ſhall be found guilty of the felony, *ut pat. tit. pred.* 260. for by ſuch a pardon the felony is confeſſed, of which felony he prayeth to be diſcharged, *ex gratia Caſtod. Libertatis Anglie Authoritate Parliamenti*, and not by courſe of the Law, as it was done in the other caſe, *Quare tamen*, for the contrary is agreed by way of argument, 3. *H.* 7. *tit. pred.* 13. And alſo by the opinion of *Thyrn.* 7. *H. fol.* 13. And this reaſon is, that when the life of the principal is given him by the Law, in what manner ſoever it be, the felony is extinct in his perſon, and by conſequence acquited

And ſo it ſhall be where the principal taketh him to be his Clergy. And with this caſe agreeth the book of 3. *H.* 7. *fol.* 2. *tamen Fitz tit. pred.* 33. hath reported that book of 3. H. 7. to the contrary, *ſc.* that notwithſtanding that the principal ſhall have his Clergy, yet the acceſſory ſhall be hanged. And according to that ye ſhall find *ib.* 270. *&* 266. *Sed diſtinguendum eſt*, of the caſe of the Clergy, *ſc.* whether he be Clerke convict, or clerke attaint, for if he be clerke attaint, by the ancient books the acceſſory ſhall be hanged, for that the principal in that caſe cannot at any time make his purgation, and otherwiſe perchance, if he were clerke convict, in that the clerke convict may make his purgation, wherefore in that caſe they did uſe to let acceſſories to mainprize, until

until such time as the principal had made his purgation, &c. *ut patet tit. Coron.* 145, 176, 252, 376, 193, & 7. H. 4. *fol* 13. & 13. Ed. 4. *fol.* 3. and then upon his purgation to discharge the accessory, and if he died or escaped before purgation, &c. then to proceed to the attainder of the accessory, &c. *Quære* if the difference will hold place at this day in that, in the new books before they have expugnancy of opinion in the case where purgation is to be done. That is to say, in the case of a clerk convict, for some would in that case that the accessory should be discharged, and some would not. So that in that case of the Clergy, and of the pardon, the new books and the old agree not.

Note, where it is said before, that the Acquittal of the Principal, is also the acquittal of the accessory, That is to be understood, if it be not in an appeal when the accessory is to recover damages, for if he will recover damages, he ought to be tried notwithstanding the acquittal of the principal, *ut patet in Fitzh. page* 223. *Quære* if that be Law now, by use, for it seemeth reasonable that he should have his damages upon the acquittal of the principal without being tried, or otherwise should ensue that the Court would admit an accessory whereto then it appeareth that there is no principal, which should be inconvenient; for as *Bracton* hath well said, *The Appellers cannot omitting the first and principal Appellee, wage battel with the Appellees of force and command*, &c. In my Lord *Cookes* 4. book of Reports, *fol.* 44. In an Appeal brought by one *Bibithes*, *Termino Paschæ, anno* 39. *Eliz.* It is there resolved for Law, that although the principal was convicted by verdict, yet insomuch that he had his Clergy, his accessories both before and after the Felony were discharged, and the same Law is there resolved, if a principal upon his arraignment confesse the felony, and before judgement gets a pardon or hath his Clergy allowed him, the accessory thereupon is discharged, 2. E. 3. 27, 21. E. 3. *tit. Coron*, 260. 5. H. 4. 16 39. H. 4. 5, 3. H. 7. 1. & 3. H. 7 *tit*, Coron. 53. *Quod nota.*

An

An Appeal of Murder and Robbery.

A G. viz. *the late wife of* R. G. *in proper person instantly appeales* M. D. *late of* N. *in the County of* S. *Yeoman,* and I. B. *late of* A. *in the County aforesaid Yeoman, in the custody of* T. P. *Knight, Sheriff of the County aforesaid, and to the barre brought in her own person, of the death of the aforesaid* R. *lately her husband, of that, that where the same* R. G. 28. *day* A. *the yeare, &c. was in the peace of God, and the said Commonwealth working and labouring in burning of Coales in the land of* I. G. *Knight called* S. *in a certain place there called a Coale place, at* C. *in the county aforesaid, where there came the aforesaid* M. D. *and* I. B. *as Felons of the said Commonwealth, and by assault, and of malice forethought, the aforesaid* R. G. *of his goods and moneys to robbe and spoile, upon the same* R. G. *aforesaid* 28. *day of* A. *and yeare, &c. aforesaid, about the ninth houre after noone of the same day, by force and armes, viz. with staves, knives, &c. at* C. *aforesaid, in the place aforesaid, assaults made, and the same* R. G. *then and there feloniously, and wilfully slew, and murdered, and the same* R. *so slaine incontinently carried away to a certain wood, called , &c. distant from the aforesaid place about* 10. *perches, in the parish of* T. *in the same county, and him there in a woody place of Oakes hid and cast down, and his throat then and there cut against the peace publick, and as soon as the same Felons the Felony and murder aforesaid had done, they fled, and the aforesaid* A. *then freshly pursued from towne to towne, as farre as foure townes next and further, until &c. And if the aforesaid* M. D. *and* I. B. *the Felony and Murder aforesaid, in forme aforesaid done, will deny then the aforesaid* A. *is ready the Felony and Murder aforesaid against them to prove, at the Court here, &c. and he found pledges of prosec. of this Appeale, viz.* I. W. & C. E.

E. P.

E P. *of* H. *in the County aforesaid Yeoman, in his own person, according to the forme of a Statute in the Parliament of the* L. *King* R. *late King of* Engl. *the second after the Conquest, at* Westminster *the sixth yeare of his reign held, made instantly appeales* I. B. *lately of* H *in prison, &c. of that, that where* I. *the wife of the aforesaid* E. P. *was in the peace of God and the Commonw. now at* H. *in the County aforesaid, the aforesaid day, &c. the year, &c. about the houre, &c, There came the aforesaid* I. B *as a Felon of the Commonwealth. Now of treachery and assault forethought against the peace of the publick, the day, yeare, houre and place aforesaid, the aforesaid A. then and there feloniously ravished, and with her then and there carnally lay, and the said* I. *to the same* I. B. *after the rape aforesaid, in forme aforesaid done, viz. and the day, and yeare, &c. as to the doing the said rape consented, and him for the same rape, according to due forme of Law refused to punish, and as soon, &c.*

Appeal of Rape by the next a kin.

W. L. *next of blood to* I. *daughter and heire of* T. L. *now dead, viz. brother of the aforesaid* T. L. *father of the aforesaid* I. *feloniously ravished, in his proper person instantly appeales* R. B. *of* K. *in the County of S. Yeoman, and in the custody, &c. according to the form of the Statute of the* L. R. *lately King of* Engl. *the second after the Conquest. the sixth yeare of his reigne, held, made, of the rape of the aforesaid* I. *and of the peace of the Commonwealth, now broken, of that that where the said* I *was in the peace of God and the Commonwealth at* M. *in the county of* E *the day, &c. the yeare, &c. about the houre, &c. there came, the aforesaid* R *as a Felon of the Commonwealth, now by treachery and assault forethought, against the peace publick, the day, yeare, houre, and place aforesaid, and the aforesaid* I. *feloniously ravished against the forme of the Statute aforesaid And as soon &c.*

I. A,

I A. *in his proper person appeales* R. L. *of* D. *in the County of* S. *Yeoman of that, that where* I. A. *was in the peace of the Commonwealth now at* C. *in the County aforesaid, the day, yeare, &c. about the eighth houre afternoon of the same day, where came the aforesaid* R. *feloniously as a Felon of the Commonwealth there by treachery and assault forethought against the peace publick, the day, yeare, houre and towne aforesaid, with a certain arrow shot the aforesaid* I. A. *in the left knee, by which the veines and nerves were dried up, and so him feloniously he mayhemed, and as soon, &c. and if, &c. the same* I. *this is ready against him to prove as the Court, &c.*

D. *in his person instantly appeales* R. E. *of cutting out the Tongue of him* D. *and the peace publick broken, for that, viz. that when by a certain Statute in the Parliament of* H. 4. *lately King of* England, *the fifth year of his reigne, at* Westminst. *held, made; It is ordained, that Malefactors who shall cut out the tongues, or pluck out the eyes of the people of the Commonwealth, this duely proved and found, that such fact was done out of malice forethought, shall incurre the paine of Felony, as in the Statute aforesaid more fully is contained, and where the aforesaid* D. *was in the peace of God, and the Commonwealth now at* H. *in the County aforesaid, the day and yeare, &c. about the houre, &c. there came the aforesaid* R. E. *feloniously as a Felon of the Commonwealth, by treachery and assault forethought, against the peace publick, the day, yeare, houre, place, and County aforesaid, and with a certain knife, which he held in his right hand, the tongue of him* D. *feloniously he cut out; and as soon, &c.*

A Felon appeales and calls for the Coroner.

MEmorand. *that on Tuesday, &c.* I. R. *lately of* L. *&c. divers Felonies before the Keepers of the Liberties*

berties of Engl. *by authority of Parliament in the upper Bench at* Weſtm. *acknowledges to have committed, requiring a Coroner of the Commonwealth for the good of the Commonwealth to be aſſigned him; and an Approver the ſaid* R. *became, upon which I* I.W. *Coroner of the Commonwealth was aſſigned to him by the Court, to record thoſe things which the ſaid Approver would ſay or acknowledge before me, and dayes were given to the ſame Approver by the Court, for his dayes of Appeal,* viz. Munday, Tueſday, Wedneſday, *then next following, and after,* viz. *on* Munday *aforeſaid, before me the aforeſaid* Coroner, *as* W. *came the Approver under the cuſtody of the Marſhall of the Keepers of the Liberties of* England, *by authority of Parliament in his proper perſon, and appealed* T. C. *lately of* L. *and* H. *lately of* S. *of that that the aforeſaid* T. C. *with the Approver, about the firſt day of* S. *in the yeare, &c. at* B. *in the County of* M. *one piece of ſilver to the value of* 30. ſh. *of the goods and chattels of* A.B. *felonioufly ſtole, and the aforeſaid* H. R. *knowing them* T.C. *and the Approver ſo to have committed that Felony, then at* B. *the aforeſaid fourth day then next following received, and the piece of ſilver aforeſaid, of them bought, &c.*

Let the ſame manner be obſerved in others alike.

Otherwiſe, viz. *Thurſday next, &c. the yeare, &c. at* O.I.B *lately of* H. *Yeoman, before* L.M. *and his companions Juſtices, &c. aſſigned the peace in the County aforeſaid, to conſerve, was indicted of this, that he the day and yeare, &c.* (reciting the indictment) *againſt the peace publick, &c. being before the aforeſaid Juſtices asked How he would acquit himſelf of it? Acknowledged the Felony aforeſaid, and an Approver of the Commonwealth became, and requeſted a Coroner of the Commonwealth to be aſſigned unto him, upon which I* I. W. *one of the Coroners of the Commonwealth of the County aforeſaid, was aſſigned to heare and record thoſe things which for the good of the Commonwealth,*

be

he would say, or before me acknowledge, and after, viz. such a day, &c. said before me the aforesaid Coroner at E. the aforesaid Approver, that W. I. of L. in the County of L. Yeoman, and the same Approver in the way publick betwixt W. and B. the distance of ten miles from B. aforesaid, the tenth day, &c. yeare, &c. upon a certaine I. B. assault made, beate, and ill treated him, and six markes sterling in ready money of the goods and chattels of his I. B. then and there found, feloniously tooke and robbed, whence the same Approver the aforesaid W. I appeales.

THis you heare Sir Coroner that I B C. am a Thiefe of one horse, or something else, or an homicide of one man or more; As a Felon of the King, &c. And because many mischiefs and robberies I have committed, I abjure, &c. And I ought to haste me to the Port from such place as you have appointed me, nor ought I to divert to any other way, and if I do, I will that I be taken as a Thief and Felon of the King, and that at such a place I will seek diligently my passage, and will not expect but one flow and ebbe if I can passe, and if in such space I cannot go over, I will go every day into the sea up to my knees, and trying to passe, and if I cannot do this within fourty dayes together, I will put my selfe into the Church, as a Thief and Felon of the King. So help me God and his doom.

But it seemeth by the Statute of 22. *Hen.* 8. that this kinde of *Abjuration* is taken away, and that it was the Kings pleasure; that such person which did abjure, should be abjured from all his ability to some Sanctuary within this Realme, there to continue during his life and that he should be burnt in the right hand with this letter *A.* to the end he might be known to be an abjured person, and if after he was taken abroad out of the Sanctuary, then he should undergo such punishment, as persons abjured did before the making of the said Statute: and if any Felon refuse to abjure before the

the Coroner, he shall lose the benefit of the *Sanctuary*, by the statute of 21. *H.*8. c. 2.

This hear you *Sir* Coroner, that I *T. M.* of *P.* in the County of *S.* am a Popish Recusant, and in contempt of the Lawes and Statutes of *England*. I have and do refuse to come to the Church, I do therefore according to the intent and meaning of the Statute made in the 35. yeare of Queen *Elizabeth* late Queen of this Realm of *England* abjure the Realme of *England*. And I shall haste me towards the port of *P.* which you have given and assigned to me, and that I shall not go out of the Highway leading thither, nor returne back again, and if I do, I will that I be taken as a Felon of the Commonwealth; And that at *P.* I will diligently seek for passage, and *I* will tarry there but one flood and ebbe, if *I* can have passage, and unlesse I can have it in such space, *I* will go every day into the Sea up to my knees, assaying to passe over. *So* God me help and his holy judgment, &c.

The forme of a Certificate of an Abjuration.

MEmorand. *what happened at* E *in the County of S. on Saturday*, viz. *the twentieth day of* I. *the yeare*, &c. *a certain R. S. lately of P. in the County of* L. *Yeoman, took the Church Parochial of P. for freedome, and tuition of holy Church there to be had, by occasion of divers Felonies by him before committed, and requests a Coroner of our Lord the King to be brought to him, upon which I I. W. one of the Coroners of our Lord the King of the County aforesaid, came to him to the Church aforesaid being, and be before me the said Saturday in the Church aforesaid confessed and voluntarily acknowledged that he the twenty seventh day of* May, *then last past, at L. in the Parish of Saint S. in the Ward of F. one Mazer covered with silver of a certain I. B. in the house of him I. being to the value of thirty shillings feloniously stole, for*

which felony he required of me the aforesaid Coroner the Realme of England *to abjure; upon which the book being delivered to him by me the aforesaid Coroner, the same* R. *the Realme aforesaid before me the aforesaid Saturday, in the Church aforesaid abjured, into the same Realme, never to returne, without special licence and reconciliation of the King of* England, *and assigned was to the same* R. *for his passage out of the Realme, the port of* Dover, *the Crosse in his hand put, as the Law and custome of* England *is.*

One taken out of the Sanctuory petitions for Restitution.

UPon this came the aforesaid E. and sayes that he the 14. day of I. the yeare &c. took the Church of Saint G. at S. in the County aforesaid, for divers Felonies by him before committed, for safety of his life, and tuition of holy Church and requests the priviledge of that Church. And that I. L. *and others to the same G. unknown, him then and there out of the Church aforesaid violently and against his will took and carried away, and this, &c. and he sues to be restored, &c. and &c. to the Felonies not guilty.*

An Inquisition in Murder.

AN Inquisition by Indenture taken at B. in the County *aforesaid, Tuesday, viz. the 21. day of December, the year &c. before me I.S. Gent. one of the Coroners of the Common wealth of the County aforesaid, upon view of the body of a certain E. S. Gent. there dead lying, by the oath of I.S & c. Jur. tried and charged to enquire in what manner and how the aforesaid E. to his death came, who say upon their oath, that I.H. of S. in the County aforesaid, Yeoman, the fourt day of August, the yeare, &c. at B. aforesaid, in the County aforesaid, about the hoare of ten before noon of the same day. God before his eyes not having*

having but by inſtigation diabolical ſeduced and moved, of his malice forethought, feloniouſly as a felon of the Commonwealth, in and upon the ſaid E.S. *in the peace of God and the Common-wealth being then and there by force and armes aſſault and affray made, and that the aforeſaid* I.H. *with a certain ſword of the value of five ſhilling, which the ſame* I.H. *in his right hand then and there held, then and there the aforeſaid* E.S *feloniouſly ſtroke and with the ſword aforeſaid gave the ſame* E.S. *then and there one wound mortal upon the left knee of him* E. *wholly cutting off a certain bone of the aforeſaid knee of him* E. *called the panne of the knee the length foure inches, bredth two inches, and depth two inches, of which wound mortal, the ſame* S. *the twentieth day of* December *the yeare aboveſaid, at* B. *aforeſaid in the County aforeſaid died, and ſo the Furors aforeſaid, upon their oath aforeſaid ſay, that the aforeſaid* I.H. *in manner and forme aforeſaid the aforeſaid* E.S *feloniouſly, and of his malice forethought ſlew, and murdered, againſt the peace publick, and further, the Furors aforeſaid upon their oath aforeſaid ſay, that the aforeſaid* I.H. *at the time of the felony and Murder aforeſaid done had no goods nor chattels, lands nor tenements in the County aforeſaid within their knowledge. In teſtimony of which thing, as well I the aforeſaid Coroner, as the Furors aforeſaid, to this Inquiſition our ſeales alternately have ſet, the day, yeare, and place aboveſaid.*

By *I.S.* one of the Coroners of the ſaid Common-wealth, of the ſaid County.

Murder.

AN Inquiſition by Indenture taken at H. *in the County aforeſaid before me* I.W. *Gentleman, one of the Coroners of the Commo-wealth of the County aforeſaid,* Tueſday, viz. *the twentieth day of* January, *the yeare,* &c. *upon the view of the body of a certain* C. B, *lately*

the wife of P.B. of H. aforesaid at H. aforesaid, feloniously slaine, then and there dead lying by oath of good and legal men of the town of H. and of three other townes near, viz. S.N. and C as the manner is, &c. To enquire in what manner, and how, the aforesaid C. to her death came, viz. by the Oath of A. B C. D &c. to the number of twelve at least, who say upon their Oath, that where the aforesaid C. the day, yeare, place and County aforesaid, about the houre of two afternoon of the same Tuesday, was in the peace of God and the Common-wealth at H. aforesaid there came a certain W. B. lately of C. in the County of W. Gent. feloniously as a felon of the Commonwealth, by treachery and assault forethought against the peace publick, the day, yeare, houre, place, and County aforesaid, upon the aforesaid C. his Mistris then big with childe, and neare her time of child birth, assault made, and with a certain Hatchet of the value of foure pence which the said W. then and there in his hands held, on the left part of her head feloniously struck, giving her a wound mortal, of which wound mortal the same C. instantly died, and so the Jurors aforesaid upon their oath aforesaid say, that the aforesaid W.B. the aforesaid C. his Mistris then and there feloniously slew and murdered against the peace publick, &c. In testimony of which, &c.

AN Inquisition, &c. upon the view of the body of a certain J.S. there dead lying, by oath of A.B.C.C &c. to the number of twelve at least of Fu.tric and charged to enquire in what manner and how J.S. to his death came who say upon their oath, that it so happened at M in the County aforesaid, the day, &c year, &c about the houre, &c. that where the aforesaid I S. was in the peace of God and the Commonwealth at M aforesaid, the same day, yeare, place, and houre, there came W I.. of M. aforesaid, and S. T. of S. in the County aforesaid Yeoman, as Felons of the Commonwealth of their malice forethought, upon J.S. then and there assault made, and the aforesaid W. L. with a certain Poniard, which in his right hand then and there he held the said I. S. upon the left part of his body, viz. upon his arm-

hole

hole ſtruck to his heart, giving him a wound mortal, upon which the ſame I. S. inſtantly died. And ſo the Jurors aforeſaid, upon their Oath aforeſaid ſay, That the aforeſaid W. L. the aforeſaid I. S. at M aforeſaid, in manner and forme aforeſaid, feloniouſly ſlew and murdered againſt the peace publick, and further the Jurors aforeſaid, upon their oath aforeſaid ſay. That the aforeſaid T. S. the day, yeare, place, and houre aforeſaid was preſent aſſiſting, abetting, procuring, comforting, and maintaining the aforeſaid W. L. to the Felony and Murder aforeſaid, in forme aforeſaid doing and committing In teſtimony of which, &c.

Manſlaughter.

AN Inquiſition, &c. aforeſaid Who ſay upon their oaths, That R. S. lately of T. in the County aforeſaid Yeoman, the nineteenth day of December, the yeare, &c. by force and armes, viz. with ſwords &c. upon a certain I. G. at D. aforeſaid, in the County aforeſaid, with a certain Candleſtick of the value of twelve pence, which the ſame R. in his right hand then and there held, the ſame T. upon his head feloniouſly ſtruck, giving to the ſame T. then and there one wound mortal of the length of two inches, the bredth of one inch, and the depth of three inches, and after, viz. the ſame day, yeare, and place T. then and there to the ground throwen, with his hands and knees ſo fiercely and violently he ſhooke, that the aforeſaid T. of the wound and ſhaking aforeſaid died. And ſo the Jurors aforeſaid, upon their oath aforeſaid, ſay, That the aforeſaid R. the aforeſaid T. in manner and forme aforeſaid, then and there feloniouſly ſlew againſt the peace publick &c. And further the Jurors aforeſaid upon their oathes aforeſaid ſay, That the aforeſaid R. at the time of the Felony aforeſaid, by him as aforeſaid done, had no goods or chattels lands or tenements in the County aforeſaid, nor elſewhere within their knowledge. In teſtimony of which, &c.

Robbery and Murder by a man unknown.

South. *AN Inquiſition, &c. Who ſay upon their oath that the twenty fourth of S. the year, &c. ſo it happened, that a certain man unknown, God before his eyes not having, but by inſtigation diabolical ſeduced, and moved; with force, and armes, viz. with ſwords, &c. betwixt the houres ſeven and eight of the ſame day, at* L. *in the County aforeſaid, in the high way, there in and upon the aforeſaid* S. B. *then and there in the peace of God and the Common-wealth being, feloniouſly as a Felon of the Common wealth aſſault made, and the aforeſaid man unknown, with a ſword aforeſaid, of the value of foure pence, which the ſame man unknown in his right hand then and there held, the aforeſaid* S. B. *upon the breaſt then and there feloniouſly ſtruck, giving the ſame* S. B. *then and there with the ſword aforeſaid, one wound mortal of the breadth of one inch, and depth of ſix inches, of which wound mortal the ſaid* S. B. *then and there inſtantly died, and ſo the Jurors aforeſaid upon their oath aforeſaid ſay, that the ſame man unknown the ſame* S. B. *in manner aforeſaid feloniouſly ſlew and murdered againſt the peace publick, and further the Jurors aforeſaid, upon their oath aforeſaid ſay, that the aforeſaid man unknown, after he the felony and murder aforeſaid, viz. in forme aforeſaid had done and committed, fled againſt the peace publick. In teſtimony of which, &c.*

Murderer of himſelf who hangs himſelf; no forfeiture of Lands.

AN Inquiſition, &c. Who ſay upon their oath, that the aforeſaid H. W. *the fourth day of April, the yeare &c. aboveſaid, about the fourth houre afternoon of the ſame*

ſame day, God before his eyes not having, but by inſtigatio diabolical ſeduced and moved, at T. aforeſaid, in a cern tain Medow, of the ſame H. called Edes Meade, then and there alone being, with one girdle of Leather of the value of one penny which he then and there in his hands had and held, and one end thence about his neck then and there put, and one end thence about the bough of a certain willough tree bound, and himſelf then and there with the girdle aforeſaid willingly and felonioufly hanged and ſtrangled. And the Furors aforeſaid upon their oath aforeſaid ſay, that the aforeſaid H. W. in manner and forme aforeſaid, willingly and felonioufly as a felon of himſelfe, himſelfe murdered againſt the peace publick, and further the Furors aforeſaid upon their oath aforeſaid ſay, that the aforeſaid H.W. the time of the felony aforeſaid, no goods or chattels had in the County within their knowledge. In teſtimony of which, &c.

AN *Inquiſition, &c as above. Who ſay upon their oath, that the aforeſaid* A.P. *the third day of* October, *the yeare, &c. aboveſaid, about the houre, &c. God before his eyes not having, but by inſtigation diabolical ſeduced and moved, of his malice foreſthought, at S. aforeſaid in the County aforeſaid, then and there alone being, in a common brook there himſelfe willingly and felonioufly drowned: And ſo the Furors aforeſaid upon their oath aforeſaid ſay, that the aforeſaid* A.P *in manner and form aforeſaid, then and there willingly and felonioufly, as a felon of himſelf, himſelf ſlew and murdered, againſt the peace, &c. In teſtimony of which, &c.*

Of a madman who drownes himſelfe; it is not Felony.

AN *Inquiſition, &c. upon view of the body of a certain* G.P. *there dead lying, by the oath of* A.B. *&c. ſworn to*

enquire in what manner, and how the aforesaid G. P. *to his death came, who say upon their Oath that the aforesaid* G. P. *the four h day of May, the yeare, &c. aboresaid at* H. *being then and there not sound of minde, himself into a Spring wilfully cast, and so the Jurors aforesaid on their oath aforesaid say, That the aforesaid* G. B. *from the cause aforesaid, in manner and forme aforesaid to his death came In testimony of which &c.*

Of a Prisoner who died in the Goale.

AN Inquisition, &c. upon view of the body of a certain H. C. *lately of* O *in the County aforesaid Husbandman, there dead lying, who before then committed, was thither by* B. T. *Knight, one of the Justices of peace of the County aforesaid, for suspition of Felony, by oath of* N. B. *&c. who say upon their oath, that the aforesaid* H. G. *the tenth day of January, the year abovesaid, in the Goale aforesaid, of the visitation of God died and so the Jurors aforesaid upon their oath aforesaid say that the aforesaid* H. G. *in manner and form aforesaid to his death came, not otherwise within their knowledge. In testimony of which, &c.*

AN Inquisition, &c. Who say upon their oath that the fourteenth day of April *the year, &c. abovesaid at* C *in the County aforesaid, betwixt the houres seven and eight before noon of the same day, with one Axe which the said* L. H. *then and there in his hand, had and held, he cut and threw down one Oak then growing in a certain wood called the Chase, by reason of which throwing down aforesaid, the aforesaid Oak, then and there by misfortune fell upon the head of the aforesaid* L. H. *given the same* L. H. *one wound mortal of the length of three inches, and the depth of one inch, of which wound mortal of the length of three inches, and the depth of one inch, of which wound mortal, the aforesaid* L. H. *then and there instantly died, and so the Jurors aforesaid, upon their oath aforesaid say, that* L. H. *in man-*

manner and forme aforesaid, by misfortune to his death came. And further, the Jurors aforesaid say, that the aforesaid Oake is of the value of eight shillings, and that it lies in the wood aforesaid, now in the tenure, custody, or occupation of a certain I. S. In testimony of the which, &c.

Otherwise by misfortune, by a Cart with its Load.

AN Inquisition by Indenture, &c. who say upon their oaths, that the aforesaid R. W. the eleventh day of October &c. the year, &c. abovesaid, at P. aforesaid, in the County aforesaid going with his Cart from Redding in the County of B. to B. ingstoke in the County of Southampton aforesaid, by the way between R. and B. aforesaid, viz. at P. aforesaid, in the County aforesaid, his said Cart with the loade fell upon the body of the aforesaid R. W. and so broke his body that of that breaking the aforesaid R. then and there instantly died. And so the Jurors aforesaid, upon their oath aforesaid say, that the aforesaid R. W. in manner and forme aforesaid, by misfortune to his death came. And further, the Jurors aforesaid, upon their oath aforesaid say, that then and there three horses and two Oxen, with the Cart aforesaid, and their Load, viz. six packs of wool, containing in them by estimation twenty foure Tods of wool, moved to death the aforesaid R. W. and that the aforesaid three horses and two oxen are of the price of foure pound and ten shillings, and that the aforesaid Horses, Oxen and Cart, remaine in the custody of F. W. of P. aforesaid viz. the late wife of the aforesaid R. W. and that the aforesaid six Packs are of the value of sixteen pound, whence they say, that two of the aforesaid six packs are of the value of foure pound thirteen shillings and four pence, and remain in the custody of H. P. of B. aforesaid, Clothier, and that other three packs, of the aforesaid six, are of the value of eight pounds, and remain in the custody of T.

S.

B. of Romsey, *in the* County *of* S. Clothier, *and the aforesaid one other pack, residue of the aforesaid Packs, is of the value of sixty shillings and eight pence, and remaines in the custody of* W. B. *of* R. *aforesaid* Clothier. *In testimony of which, &c.*

THE

The Sheriffes Oath for the due execution of his Office.

YOu ſhall ſwear, that well and truly ye ſhal ſerve the Keepers of the Liberty of *England* by authority of Parliament, in the Office of the Sheriffe of the County of *Southampton*, and do the Commonwealth profit in all things that belongeth to you to do by way of your office, as farre forth as you can or may: You ſhall truly keep the Commonwealths right, you ſhall not aſſent to decreaſe, or leſſing, nay, to concealment of the Common-wealths rights, or of its Franchiſes, And whatſoever you have knowledge that the Commonwealths right have been concealed or withdrawn, to be in lands, rents, franchiſes or ſuits, or any other things, ye ſhall do your true power to make them to be reſtored to the Common-wealth again: And if you may not do it, you ſhall certifie the Keepers of the Liberty of *England*, or ſome of them thereof, ye ſhall not reſpit the Commonwealths debts for any gift or favour, where you may raiſe them without great grievance to the debtors: ye ſhall truly and rightfully treat the people of your Sheriffewick, and do right as well to poore as to rich, in all that belongeth to your Office: ye ſhall do no wrong to any man for any gift, or other beheſt or promiſe of goods for favour nor hate; ye ſhall diſturbe no man right: ye ſhall truly acquit at the Exchecquer all thoſe of whom you ſhall any thing receive of

the

the Commonwealths debts: ye shall nothing take whereby the Common-wealth may lose, or whereby the right may be letted or disturbed, and the Commonwealth delayed: ye shall truly returne, and truly serve all the Commonwealths VVrits, as far forth as shall be to your cunning; ye shall not have to be your Under-Sheriffe any of the Sheriffs of the last year past: ye shall take no Bailiffe into your service, but such as you will answer for; you shall make each of your Bailiffes to take such Oath as you make your self in that belongeth to their occupation, you shall receive no VVrit by you nor any of yours unsealed, or any sealed under the seal of any Justice, saving the Justice in Eyre, or Justice assigned in the same shire where ye be Sheriffe, or other Justices having power and authority to make any Writs unto you by the Law of the land, or of the Justices of Newgate: you shall make your Bailiffes of true and sufficient men in the countrey. Also ye shall do all your power and diligence to destroy and make to cease all manner of heresies and errours, commonly called Lollaries, within your bailiwick from time to time to all your power, and assist and be helping to all the Ordinaries and Commissaries of the whole Church, and favour and maintain them as often as you shall be required by the Ordinaries Commissaries: ye shall be dwelling in your own proper person within your bailiwick for the time ye shall be in the same office, except ye

be

be otherwiſe licenſed by the Keepers of the Liberty of *England* by authority of Parliament: ye ſhall not let your Sheriffwick, nor any bailiwick thereof to any man: ye ſhall truly ſet and return reaſon and due iſſues of them that be within your bailiwick after their eſtate and behaviour, and make your pannels your ſelfe of ſuch perſons as be next, moſt ſufficient, and not ſuſpect, nor procured, as it is provided by the ſtatutes. And over this, in eſchewing and reſtraint of manſlaughters, robberies, and other manifold grievous offences that be done daily, namely by ſuch as name themſelves ſouldiers, and by other vagrants, the which increaſe in number, and multiplie ſo that the people of this Commonwealth may not ſurely ride nor go to do ſuch things as they have to do, to their intolerable hurt and hinderance: Ye ſhall truly and effectually with all diligence poſſible to your power execute the ſtatutes, as the ſtatutes of Wincheſter and for Vagabonds. All theſe things ye ſhal truly obſerve and keep, as God you help, and by the contents of this book.

Or thus:

YOu ſhall well and truly execute the office of Sheriffe of the County of *A.* during ſuch time as you ſhall be Sheriffe.

Of

OF THE

AUTHORITY

Of a

Sheriffe,

And how and in what manner he ought to execute his Office in all things that are in use.

THE SECOND BOOK.

FIrst of all, when he is appointed to be Sheriffe, he is then Keeper of the County, and his power and authority is very great, as hereafter I will set forth and declare at large; And at the entrance into his Office, the first thing that he must do, is to go into the Exchecquer into the Remembrancers office there, and to enter into Recognisance there with Sureties, or some for him, for the payment of his proffers, at or before *mense Paschæ*, and *mense Michael* then next following. That done, his Attorney there will write him a Note, thereby signifying that he is Sheriffe of such a County, and that he hath entred Recognisance for his proffers, the which Note the Sheriffe must deliver to one of the six Clerkes in the Chancery, for his warrant to make the Sheriffes Patent

tent by, with his Writ of assistance, and a Writ of discharge to be delivered to his predecessor, to discharge him out of his office, the which would be delivered with all speed, for his own benefit or his Undersheriffes; for until it be delivered unto his predecessor, the precedent Undersheriffe may do execution of Processe. And this being done, then if he be so well provided, he may take his Undersheriffe with him, and go either to a Master of the Chancery, or to one of the Judges of the Assizes of that Shire, whereof he is Sheriffe, and take their oathes for the due execution of the said office, or else he must have a *Dedim. potestat.* out of the Chancery, from the Clerk which made his Pattent, directed to two Justices of the Peace of the same County, whereof one must be of the *Quorum*, to give him his oath in the countrey; but his Undersheriffe may be sworn by two Justices of Peace, whereof one must be of the *Quorum* without Commission: and until they be thus sworne, they may not intermeddle with the execution of any processe by the Law.

A Sheriffe at or before his first County Court, must take over from the old Sheriffe his predecessor, all his prisoners and writs, precisely by view and by Indenture to be made between them, wherein all the causes which he hath against every prisoner, (at the peril of the old Sheriffe) must be set forth and declared, or else the new Sheriffe needs not to take any notice of any thing that is omitted and left out of the Indenture: for he is not chargeable with it, but the old Sheriffe, as it appeareth of late in a case adjudged in my L. *Cookes* 3. book of Reports *Wesbies* case *fol.* 72 against the Sheriffe of *London*: For although they set him over by Indenture, yet they set not over all the causes which they had against him, but omitted an Execution, which after was recovered against the old Sheriffes by the Plaintiffe, and *Wesby* was at liberty, and the Sheriffes were *sans* remedy.

All the Writs which are set over in the Indenture, be-

between the Sheriffes, if they have been executed by the old Sheriffe, then they must be returned by him, and indorsed under by the new Sheriffe thus, *I send the Writ as it is indorsed, to me delivered, as it was by* R. W. *Knight lately Sheriffe if my next predecessor, in his going out of his office.*

H C. Knight Sheriffe.

And a Sheriffe at the first County Court which shall happen to be after his election, and discharge of the old Sheriffe, must reade his Patent and his Writ of Assistance, and nominate his Undersheriffe, the County Clerke, and foure Deputies of Replevins at the least for ease of the Countrey, who ought to dwell 12. miles one from another, in every quarter of the County one, to grant Replevins when need shall require.

The first County of F. P. *Knight, of the County aforesaid*, and so next *second County*, the next County Court, *held at the Castle of* Wincheſt. *such a day and yeare*, setting the Keepers of the Liberties of *England* Stile at large.

Then the Bailiffe must make an O-yes, and say thus, Essoines and Proffers, (before the Court three times) for this day. And then say, if any man will be essoined, or enter any plaints, let them come in and they shall be heard.

A B. *is essoined because he is sick, or such like.*

A. B *compl in against* C. D. *of a plea of debt, unjust detinue of his Cattel. or of a plea of Debts unjust detinue, trespasse, or such like*, as the case is.

This Court ought to be kept every moneth upon a day certain of necessity, by reason of the Keepers of the Liberty of Engl. by authority of Parliament, writs of Exigents which must be read there.

And the actions must be called there as they are in a

Hundred

Hundred Court, or Court Baron, and it will not hold plea where the debt or damage is fourty ſhillings, unleſſe it be by Writ of *Juſticies* out of the Chancery, which is a commiſſion to the Sheriffe to hold plea of any ſumme whatſoever, and yet it is but in the nature of a *Diſtringas*, to diſtraine a man by his goods to anſwer there to the Plaintiffes action, for his body cannot be touched with it by law, nor his lands.

And the like entries, plaints, anſwers, barres and iſſues, are to be put in there, as are uſed in a Hundred Court, or Court-Baron: for this Court is but a Court-baron. And although it be the Sheriffes Court, yet the Freeholders of the County are the Judges there in all actions. And the Common-wealth County-Coroners of the aforeſaid Keepers are only Judges to give Judgement upon the Writs of Exigents, and none elſe; and if they be Freeholders as they ought by the Law to be, they are alſo Judges of their actions; if they be not, they may be removed from their places for lack of Freehold, it is a ſufficient exception in Law to be taken againſt them in that caſe.

And the like Proceſſe or Precepts as are out of a Hundred Court, changing things to be changed, are to be made out of this Court, *viz.* ſummons, attachment, and diſtreſſe infinite.

Election for Knights for the Parliament, and of Coroners and Verderers, are alwayes made by the Keepers of the Liberty of *England* by authority of Parliament Writ in the open County Court, and the day and time when, and by whom, viz. by the Freeholders of the County, and the Knights are to be choſen between 8. and 9. of the clock in the forenoon, the Court ſitting. And the names of ſuch Freeholders as are at the election of Coroners and Verderers ought to be ſet down in the County Court book, for to teſtifie ſuch election, and the Sheriffe is to miniſter unto the Coroners and the Verderers their ſeveral oathes for the due execution of their offices.

A Replevin.

South. FP. *Knight, Sheriffe of the County aforesaid, to the Bailes of the Hundred of* H. *also to* I. S. *my Bailey for this time, and to both, and jointly and severally greeting. Because* W. P. *has found me sufficient security, as well for the prosecution of his claime, as for his cattel, viz. one Gelding, three Horses, &c. which* I. C. *took, and unjustly deteines (as is said) to be returned if the returne be thence adjudged. The efore of the part of the Keepers of the Liberty of England by authority of Parliament, you and both of you jointly and severally I command, that you Replevie and delivery make, or one of you replevie and delivery make to the aforesaid* W. P. *of his cattel aforesaid, and that he put or, &c. by surety and safe pledge the aforesaid* I. C. *So that he be at my next County court, at the Castle of* Winchest. *to be held, to answer the said* W. P. *a plea of taking, and unjust detinue of his cattel aforesaid, and in what manner, &c to me at my next County cer-tifie ye, &c. Under the peril incumbent. Given under the seale of my Office, the last day of* Decemb. *the yeare, &c.*

By me [illegible] Knight,
[illegible]ffe.

And if this Replevin be granted by a Deputy to the Sheriffe, then he must set his name to the Replevin thus.

By me J W. *one of the Deputies of the said Sheriffe, according to forme of Stat.*

And if the first Replevin be not executed, then the Sheriffe or his Deputy may grant an *alias Replevin*, and so a *plu-*

plur. Replevin, vel causam mihi significes, and after *toties quoties* if need be. And upon all these Replevins, there must be a bond of ten pound at the least taken of him to whom the Replevin is granted for his appearance at the next Court after, and prosecution of his suit with effect against the taker of the cattel, and to make returne thereof, if returne be adjudged, the forme of which Bond and Condition thereof must be thus.

Obligation.

KNow all men by these Presents that I *W. P.* of C. in the County of *South*, Gentleman, am held, and firmely obliged to F. P Knight, Sheriffe of the County aforesaid, in ten pounds of good and lawful money of *England*, to be paid to him the same Sheriffe, or his certain Attorney, Executors or Assignes, to which payment well and truly to be made, I oblige my selfe, my Heires, Executors and Administrators, firmely by these presents. Sealed with my Seal

Dated, &c.

Condition.

THe Condition of this present Obligation is such, that if the above-bounden W. P. do appear at the next County-Court to be holden at the Castle of *Winchester*, and then and there do prosecute his action with effect against I. C. for the wrongful taking and detaining of his cattel, *videlicet*, of one Gelding, and three Horses, as it is alledged, And do also make returne thereof, if returne thereof shall be adjudged by Law; and also do save and keep harmlesse and indempnified the above-named Sheriffe, his Vndersheriffe and Bailiffes, for to-ching and concerning the delivery of the said cattel, that then this present Obligation to be void and of none effect, or else the same to stand, remain, and continue in force, strength and vertue.

And if in this case the taker of the cattel justifie the taking as in his freehold, then this Court can proceed no further therein, but the cause must be removed from thence by the Keepers of the Liberty of *England*, by authority of Parliament writ out of the Chancery called a *Recordare fac loquelam*, directed to the Sheriffe returnable the next tearme following, either in the Upper bench, or in the Court of Common pleas, which the party will, for they are both Common Law, but they are more properly belonging to the Court of Common-Pleas, and this Writ ought to be openly read and allowed in the said Court, to the end that notice may be given thereof to the Plaintife in the Replevin, that he may appeare at the day of the returne thereof, and declare against the taker of his cattel, or else the taker will have *A return habend. aver*, and so put him to shew forth the second deliverance, which is a disadvantage to the plaintife, for he shall then have no more second deliverance, otherwise he might have another, and let the Attorney for the Plaintife see well to the sealing of the writ of second deliverance with *Return. 'bend. averior*, or else it will fall out to be manifest errour, and overthrow the cause, be it never so just, when it is an exec', because the writ of *R. D.* is an original writ, but the Def. therein shall have no costs, it was the case of *Nic. M. Gent.* against *Tho. Newman* in a Replevin for annuity adjudged in the Vppet Bench, *Term. Trin. an.* xv. *I. R.*

Now next, the high Sheriffe will look for his security from his under Sheriffe before he will trust him with his office, because he will sleep quietly, and take his repose in safety: and for that commonly he hath bonds and covenants of the undersheriffe and his friends. That men make not void all these bonds and covenants taken of their Vndersheriffes, Let them look to the stat. 5. *E.* 6. *c.* 16. And that gentlemens Clerkes may sufficiently know how to execute the Office of an Vndersheriffe, I have taken occasion to set forth this book of directions, sufficiently to teach and instruct any Clerk that is willing to under-

go

go the burden for the office for his Maſter, rather then a Gentleman of worth ſhall for a little money hazard his oath or credit in his countrey, for by this meanes he had better (in diſcharge of his duty both to God and his Countrey in the execution of his office,) keep his office in his houſe, ſo that he may take a continuall ſurvey of it himſelf, then truſt a ſtranger upon bonds and covenants with the whole execution of his office, which by the Statute of 23. H. 6. c. 10. are thought by many opinions to be void or voidable, for the words of the Statute are theſe, That no Sheriffe, nor none of his Officers or Miniſters ſhall take or make any obligation for any cauſe mentioned in the ſaid Statute or colour of their office, but only to themſelves, of any perſon or by any perſon which ſhall be in their ward, by courſe of the Law, but in the name of their office and upon condition written, That the ſaid priſoners ſhall appeare at the day contained in their writs, bill or warrant, and in ſuch places as the ſaid writs, bills or warrants, ſhall require. And if any Sheriffe, or any of his officers take any Obligation in any other forme, by colour of their office, that it ſhall be void: And in this courſe there can be no loſſe to the Sheriffe, if his Vnderſheriffe be careful to follow the directions here laid before him, for he ſhall thereby both get good knowledge and experience, and ſome profit, and his Maſter may give him good allowance, and yet ſave ſufficient out of the honeſt gaines of the office, to paſſe his accounts, and to defray part of his other charge, and have his Countreymen well dealt withal, and gently entreated according to his oath; whereas now as the Office is uſed otherwiſe by Vnderſheriffes which buy their Offices, they pay for it, or elſe the Vnderſheriffe muſt go away a beggar.

The forme of an Indenture, for setting over of Prisoners and Writs, between two Sheriffes.

THis Indenture made, &c. between *F. K.* Esquire, late Sheriffe of the County of *South.* of the one party, and Sir *H.W.* Knight now Sheriffe of the said County on the other party, witnesseth, that the said *I.K.* by vertue of the Keepers of the Liberty of *England* by authority of Parliament, Writ of discharge of his late office to him directed, hath delivered and set over unto the said Sir *H W.* these writs following, *viz.* A *Capias* against *W.F* returnable the *Oct.* of *Hil.* at the suit of *Andrew Limbon*, &c.

Together with the bodies of I. S. in execution at the suit of G. H. for a debt of 22 l. and I. H at the suite of C.D. in execution for 10.l. &c. In witnesse whereof, &c.

The forme of an Indenture made between the High Sheriffe and his Undersheriffe.

THis Indenture made, &c. between *I.H.* of D. in the County of *S.* Esquire, on the one party, and H. R. of G. in the said County, Gentleman, of the other party; witnesseth, that whereas the said *I. H.* being by the Keepers of the Liberty of *England*, by the authority of Parliament appointed to be high Sheriffe of the said County of S for this year to come, hath upon special affiance, confidence, and trust that he hath and beares in and towards the said H. R. promised and granted to the said H.R. the use of the exercising of the office of his undersheriswick of the said C. together with all fees, fines, forfeitures of bonds, profits, commodities, advantages, casualties, allowances, liberties, franchises, courts, tornes, leets, perquisites of Courts, and other emoluments, certain and uncertain whatsoever, to the office of Sheriswick or Undersheriswick belonging, or in any wise appertaining

ning, that any Sherife or Vndersherife of the said County hath heretofore justly and lawfully claimed or had, to have and to enjoy during, and by all such time as he the said I.H. shall be, remain and continue high Sherife of the said C of his appointment or election, not discharged. In consideration whereof the said H. R. covenanteth, granteth and agreeth, and faithfully promiseth, for him, his heires, executors and administrators, that he the said H. R. his heires, executors or administrators, shall and will discharge, or otherwise sufficiently save and keep harmlesse, as well the said I.H. his heires, executors and administrators, as also his and their and every of their goods, chatrels, lands, tenements, and hereditaments, of and from all and all manner of troubles, vexations, suits, actions, informations, complaints, contempts, fines, forfeitures, amerciaments, penalties, paines, sum and sums of money payable or leviable to or for the Keepers of the Liberty of *England* by authority of Parliament, or any other person or persons whatsoever, for any matter or thing to be done in or about the said office, and of and from all losses, hindrances and damages, that shall or may be lawfully moved, stirred, procured, commenced, prohibited, prosecuted, happen or fall, or lawfully asked, demanded, or levied upon the said I. H. his heires, executors or administrators, or of or upon his or their, or of any of their goods, chattels, lands, tenements, or hereditaments, for or by reason of the said office of Sherife, either by non-suing, or unlawful returning, slow returning or misreturning of any Precepts, Writs, Warrants or Proces to the high Sheriffe directed, or to be directed, or for, by cause or meanes of any excessive or unlawful extortion or exaction, or taking of any money, or other gaine or commodity, for the serving or not serving of any such Writs, Warrants, Precepts or Processe, or for or by reason of any misdemeanour, misusing, or misgovernment, negligence, lack of skill, or of ignorance that shall be in the said H.R. in or about the doing exercising or executing of the said office of Vndersherife, and

the said H. R. for himself, his heires, executors, and administrators, by these presents doth covenant and grant to and with the said I. H. his heires, executors and administrators, in like manner to discharge, or otherwise to save harmeless and indempnified, as well the said I. H. his heires, executors and administrators, as also all their goods and cattels, lands, tenements, and hereditaments, of and from all manner of escapes, both wilful and negligent, of traitors, felons, and other prisoners committed, or to be committed to his or their safe keeping or charge, in breach of prisons, and of and from all fines, forfeitures, amerciaments, sums of money, and penalties that he or they or any of them shall or may incur, beare, pay, or sustain for any escape or breach of prison, during all the time of his continuance in the said office of high Sheriffe of this appointment, and moreover the said H. R. shall give attendance convenient, and requisite upon the Courts at Westm. upon the Judges of Ass. and Just. of the peace, and other Commissioners and officers within the said County, upon whom the said I. H. or the said H. P. in respect of the said office of Sheriswick ought by the Lawes of this Nation to attend; and furthermore shall within one yeare next after the discharge of the said I. H. from his said office, justly and truly make a perfect account in the Exchequer or elsewhere of all the sums of money, and other things wherewith the said I. H. shall or may be charged as Sheriffe of the County of S. and shall within the said time deliver unto the said I. H. his heires, &c. a sufficient acquietance or *quietus est*. And it is further agreed upon by the said parties to these Presents, that every one of the Bailiffes of Hundreds, and all other the Officers under the Sheriffe, shall enter into sufficient bond by obligation, that they and every of them shall truly and diligently deale in, exercise and execute their offices during the time afore said, and if any shall refuse to enter bond, or misdemeane himself, that then it shall be lawful to and for the said H. R. in his discretion to place another meet for that office

fice in the room of ſuch perſon that ſhall refuſe or miſdemean himſelf, as is aforeſaid. In witneſſe whereof, &c.

The Bonds are commonly taken of the Vnderſheriffe and his ſureties for the performance of theſe covenants, and they are ordinary as all other bonds are for performance of Covenants, and therefore here needs no Preſident for them.

A condition for a Goaler to enter in to the Sheriffe; for the ſafe keeping of his priſoners.

THe condition, &c. That whereas the above named S. H.W. hath at the ſpecial inſtance and requeſt of the above-bounden W. V. conſtituted and appointed the ſaid W.V. to be his Keeper of all ſuch priſoners as ſhall be arreſted or attached by any manner of Writ, Warrant or Precept, made or to be made, by or in the name of the ſaid S.H.W. or by or in the name of I. W. his Vnderſheriffe. If therefore the ſaid W.V. his deputy or deputies, aſſignee or aſſignees, or any of them ſhall and do well and ſafely keep all ſuch priſoners as ſhall be committed to him or them, or any of them, and therein ſhall ſave and keep harmleſſe and indempnified the ſaid Sheriffe, his heires, executors, and adminiſtrators, at all and every time and times hereafter, of and from all and all manner of eſcapes of all manner of priſoners that ſhall be committed to the cuſtody and ſafe keeping of the ſaid W. V. or left under the cuſtody or charge of any of his deputies or aſſignees, and of and from all manner of judgements, executions, fines, charges, troubles, and incumbrances whatſoever, which ſhall or may hereafter grow or happen to be taxed, impoſed, eſtreated or levied upon, of, or againſt the ſaid Sheriffe, as Sheriffe of the C. aforeſaid, or by reaſon of any ſuch Eſcape or Eſcapes, as aforeſaid. And if alſo the ſaid W.V. his deputy or aſſignee, ſhall not diſcharge or ſet at liberty out of his

or

or their custody and safe keeping, any prisoner or prisoners which now are, or that hereafter shall or may be by the said Sheriffe, or by his Undersheriffe or Deputy, or by any of their Bailifes taken, committed, delivered or left in the custody of the said W V. his deputy or servant, without the special warrant in writing under the hand and seale of the officer of the said Sheriffe in that behalf first had and obtained. That then, &c.

A Condition for a Bailiffe to enter into, to the Sheriffe.

THE Condition, &c. That whereas the abovenamed S.B.T. at the special instance, & earnest entreaty of the above-bounden I.P. hath authorized and appointed the said I.P. to be one of his *Bailifes* within the Co. of *S.* aboveſaid, and in more particular hath committed to his charge the Bailiwick of the Hu. of M. and *B.* If therefore the said I.P. and all such persons, &c. for and about the executing of such things as shall be given him in charge to do and execute, as *Bailife* of the Hun. do justly, &c. execute his said office according to the effect and intents of such warrants and precepts as shall be directed unto him, and come to his hands from the above-named *Sheriffe*, or from his Undersheriffe to be executed, and shall and do upon the view of every warrant upon meane proces from the said *Sheriffe*, take sufficient bond with two sureties for the appearance of the Defendant arrested according to the stat. in that case made and provided, and shall safely convey or deliver every such bond, uncancelled unto the said *Sheriffe*, or his Undersheriffe, before such time as the processe whereupon the said warrant is made is returnable, and also shall at all times, and from time to time, during the continuance of the said *Sheriffe* in office of *Sheriffe* of the said County, be ready and attendant both upon the said *Sheriffe*, and upon his Undersheriffe, as well at every Assize and *Sessions*, as also at every

every C. court to be holden, &c. then and there to execute his ſaid office as appertaineth. And alſo ſhall well and truly pay, or cauſe to be payed to the ſaid *Sheriffe* or his Vndersheriſe, at the feaſt of *Eaſter* and *S. Mich.* the Archangel now next coming after the date above written, all and every ſumme and ſummes of money as hath been accuſtomed yearly to be paid to the *Sheriffe* of the ſaid County for the Keepers of the Liberty of *England* by authority of Parliament out of the ſaid Hundreds, upon the account of every *Bailife* of the ſaid Hundreds, commonly called *Sheriſes* turne money: And do in like manner before the ſaid feaſt of *S. Mich.* collect and gather of the Inhabitants within the ſaid Hundreds, all ſummes of money due to the Keepers of the Liberty of *England*, upon the ſummons and ſcedule of the green wax, a ſufficient warrant being in convenient time delivered unto him to that end and purpoſe, and do accordingly pay the ſame to the ſaid *Sheriffe*, or to his Vndersheriffe, within one moneth next after he hath gathered and collected the ſame, without covin or further delay. That then, &c.

A *Sheriffe* is to make warrants upon meane proceſſe, or to execute them himſelf, which is not poſſible for him to do execution of all: and they muſt be made according to the ſeveral natures of his Writs, which for the ſubſtance will direct him, but not for the forme thereof, and that doth differ in many Counties, but all to one effect, as in the County of *Southampton*, thus:

A generall Warrant.

S. *F. P.* Knight, *Sheriſe* of the County aforeſaid, to the *Baily* of the Hundred of *Houſholt*, greeting, of the part of the Keepers of the Liberty of *England* by authority of *Parliament*, I command thee that thou takeſt *A. B.* if, &c. and him ſafely, &c. ſo that I may have his body before

fore the Justices of the Common Bench at Westminst. in the Oct. of Saint Hilary, to answer C. D. of a plea of debt (or Trespasse, according to the Writ) and this, &c. Given under the seale of mine Office, the twentieth day of *December*, the yeare of our Lord one thousand six hundred fourty eight.

A Special Warrant.

S. F. P. Knight, Sheriffe of the County aforesaid, to the Bailiffe of the Hundred of H. also to J. W. and T. B. my Bailiffes for this time, and to every of them greeting, on the part of the Keepers of the Liberties of *England*, by authority of Parliament, you and every of you jointly and severally I command that you take, or, &c. A. B. &c. and him safely, &c. so that I may have his body before the Keepers of the Liberties of *England* by authority of Parliament, in the Upper Bench at Westm. on thursday next, after the *Oct.* of Saint *Hil.* to answer C. D. a plea of trespasse, &c. given, &c, as above.

20. day of *Decemb.* the yeare of our Lord, 1638.

By vertue of the Keepers of the Liberties of *England* by authority of Parliament, Writ to me directed, Ret. before the Keepers of the Liberties of *England* by authority of Parliament in the Vpper Bench at Westminst. Thursday next after the Quinden' of Saint *Hill.* Or if it be out of the Court of Common pleas, then Ret. before the Justices of the Common Bench at *Westm.* in the *Oct.* of Saint *Hil.* you shall arrest A. B. if he may be found within my Bailiwick, to answer to C. D. in a plea of Trespasse, or a plea of Debt, according to the Writ. Given under my seale of office, the day and yeat above said, &c.

Per I. P. Mil. Vic.

To

To *I. P.* and *R. S.* my ſpecial Bailiffes in this behalfe, jointly and ſeverally greeting.

And in *Yorke* they uſe to make their Warrants thus, upon their mean Proceſſe.

S. *George S.* Knight and Baronet, Sheriffe of the County aforeſaid, to all my Bailiffes, or to all my Bailiffs within the County aforeſaid, as well within Liberties as without, alſo to *I. B.* and *C. D.* my Bailiffs this time only Itiner. greeting, of the part of the Keepers of the Liberties of *England* by authority of Parliament, you and every of you jointly and ſeverally, I command, that he take, or, &c. *A. B.* if, &c. And him ſafely, &c. ſo that I may have his body before the Keepers of the Liberties of *England* by authority of Parliament, in the upper Bench (if the Writ come out of the upper bench) at *Weſtminſt.* Thurſday next, after the Quinden' of Saint *Hill* but if the Writ come out of the Court of Common pleas, then it is, before the Juſtices of the Common bench at *Weſtm.* in the *Oct.* of Saint *Hil.* to anſwer *C. D.* in a plea of Treſpaſſe, or Debt, according to the Writ. Given under the ſeale of my office, ſuch a day and year, as above.

And this ſeems to be the beſt forme of Warrants to have them ſerved, and there they uſe to make Warrants upon all their Executions in this forme, ſave only there is added theſe words before the Teſtee of the Warrant, Provided alwayes that this preſent Warrant is to be executed at the peril of the Plaintiffe only. And thereupon the Plaintiſe will not only pay down the Fee for the Execution, as much as the Statute allows, but alſo give bond without condition, for the ſaving of the Sheriffe harmleſs of the eſcape, if any ſhould happen to be, only they will ſet down under the Bond, the cauſe wherefore the Bond is taken, and the Bond is taken to a ſtrange, and yet never queſtioned, which makes execution to be the better

better done, or elſe the countrey is ſo ſpacious, the Sheriffe would not be able to do a quarter of his work. And I ſee no reaſon but it may be uſed in any other countrey as well as there, and it will make the Sheriffes work much the eaſier to be done, and all things conſidered the more for his profit.

Alſo they uſe there to make warrants upon *Capias ad lucrandum* in the like form, and to take Bond, with condition, to bring the Defendant to priſon, if he be arreſted, which makes good execution of theſe Proceſſe, and it were good this were uſed in all Countreys, then there would not be ſo much extortion and indirect dealing uſed by Vnderſheriſes and Bailifes to the Weale publick, as there is, or if they take any man upon a *Capias ad lucrandum*, they will not only take money of the Plaintife, for to take the Defendant, but when they have taken him, for money they will let him go again, and they will alledge for a colour, it is to reverſe the Outlawry, which they have nothing to do withal. He ought to be brought to priſon, and there remain until one Attorney or other have reverſed the Outlawry for him, and not the Sherife; for although he be an Attorney, he ought not when he is Sheriſe to practiſe as an Attorney; but yet notwithſtanding they do foreſtal the Market, againſt the Law, and the high Sheriſes oath, and it is pity that it is ſuffered to go unpuniſhed.

The forme of a Bond for appearance.

KNow all men by theſe Preſents, that we A.B of C. in the County of Southampton Gent. E. F. of G. in the County aforeſaid Yeoman and H. T. of R. in the County aforeſaid Yeoman, are held and firmly obliged to F. P. Knight, Sheriſe aforeſaid, in fourty pounds of good and lawful money of England, to be paid to the Sheriffe, or his certain Attorney, Executors or Aſſignes, to which payments well and truly to be made, we binde our ſelves, and every one of us by himſelfe, for the whole, and in the whole,

whole, the heires, executors and administrators of us, and of every one of us, firmely by these Presents. Sealed with our Seales. Dated the 20. day of Decemb. *in the year of our Lord 1616.*

The Condition of this present Obligation is such, that if the above-bounden A.B. do appear before the Keepers of the Liberties of *England* by authority of Parliament, in the Vpper *Bench* at *Westminster*, Thursday next after the *Quinden'* of *Saint Hil.* if the writ be out of the upper *Bench*, according to the return of the writ, but if the writ be returned in the Court of Common pleas; then the words in the Condition must be for the Defendant to appear before the Justices of the Common Bench at *Westm.* in the *Oct.* of *Saint Hil.* or such other returne, according to the writ, to answer to C.D. in a plea of Trespasse or Debt, as it is in the writ, that then this present Obligation to be void, and of none effect, or else the same to stand, remain, and continue in force, strength and vertue.

Sealed and delivered to the use above-named Sherife in the presence of *A.R.* and *T.S.* Two witnesses at the least.

A Sherife before he return any writ into the Chancery, the upper *Bench*, the Court of Common pleas, and the Exchequer, ought to have an Attorney or Deputy in every one of those Courts of Record, to answer for him by warrant of Attorney. And if any Sheriffe do contrary to this ordinance in any point, he forfeits 40. li. every time, and treble damages to the party grieved: one moiety thereof to the Keepers of the Liberty of *England* by authority of Parliament, and the other moiety to him that will sue, by a stat. law made *anno 23.H.6 c.10.*

You shall finde in this book good returnes for all manner of writs now in use, here set down to your view

view, whensoever you shall have occasion to use them, and also ape returnes of all your Exchequ. proces, with apt and due formes of all sorts of Inquisitions to be returned there, or elsewhere, with your proces.

Sheriffes and Vnder-sheriffes ought to receive all manner of Writs in any place within the County, without taking of any thing, and making thereof warrant: and if he refuse to do it, if he make not a return of those Writs, he shall be punished, and render damages to the party grieved by the Statute of 2. *Ed.*3 *cap.*5.

Also a Sheriffe may arrest men which go or ride armed, and commit them to prison, there to remaine at the Keepers of the Liberty of *England*, by Authority of Parliament pleasure by the same statute. And also Sheriffes and Gaolers must receive thieves indicted or taken with the manner, without taking any thing for their receit by the statute of 4. *E.* 3. *cap.* 16.

Sheriffes must returne sufficient and reasonable issues upon such persons as have lands and goods sufficient, according to the Statute of *W* ſt.2 *cap.*39. & 1. *E.*3.c.5.

Sheriffes *ex officio* may arrest within their County suspected persons which walk by night or day, and which are of evil name and fame, by the Statute of 5. *E.* 5. *cap.* 14.

A Sheriffe ought to have but one Bailiffe errant within his County, by the Statute of 14 *E.*3.c.8.

Sheriffes ought to keep their Tornes twice every yeare *viz.* one within a moneth after Easter, and the other within a moneth after the Feast of *S. Michael* the Archangel, by the stat. of 31. *E.* 3.c.14.

Sheriffes must levy their issues and amerciaments by their extracts under the seale of the Exchequer, otherwise they shall render to the party damnified, treble damages, and also make fine to the Keepers of the Liberty of *England* by Authority of Parliament for their offence, which is determinable before the Justices at their Sessions, by the stat. of 43. *E.*3.c.9.

She-

Sheriffes ought to return their pannel for the ſeſſions 4 dayes before the ſeſſions at leaſt, upon the paine of 20. li. and the Bailifes of Liberties ought to make returne of their warrants ſix dayes before the Seſſions at the leaſt, upon the like pain, by the ſtatute of 41. *E.* 3. *cap.* 11.

Sherifes ought foure times in the yeare to proclaime the Statute of *Wincheſter* in every Hundred of his Bailiwick, for it is parcel of their oath, yet they never do it.

Sherifes ought to take the ſwords, daggers and weapons from ſervants, labourers, and from ſervants of Artificers and Victuallers, if they finde them bearing of any, except it be in time of war, or when they travel abroad into the Countrey with their Maſters, or go in their meſſages, and they may keep ſuch weapons until the next ſeſſions, and there preſent them with the names of thoſe that bore them, by the ſtat. of 12. *R.* 2. *c.* 9.

Sheriſes may *ex officio* apprehend labourers, ſervants begging and wandring abroad, and commit them to priſon without baile or mainprize, but they can take no fees of ſuch perſons, neither upon receit or delivery of them, upon paine of a C. s. to the Keepers of the Liberty of *England*, by authority of Parliament, by the ſtat. of 12. *R.* 2. *c.* 9.

Sheriffes and others of the Keepers of the Liberty of *England* by Authority of Parliament officers, when they have notice of unlawful Aſſemblies and Riots, ought to raiſe the Countrey, and with all their power to apprehend ſuch malefactors, and commit them to priſon, there to remain until due execution of the Law be done upon them, and all Lords of Seighiories, and all other people ought to be attendant to the Sheriffe and other officers, with all their power and force herein, by the ſtat. of 17. *R.* 2. *c.* 8.

A Sherife ought to dwell within the County in his perſon during the time of his Sheriſwick, and he ought not to let his office to farme, both by his oath and by the ſtatute of 1 *H.* 4. *c.* 5.

A Sherife ought to foreſee and provide, That neither his Vnderſheriffe, nor any of his Clerkes, Bailiffes, or Receivers, be an Attorney in any of the Keepers of the Liberty of *England* by authority of Parliament Courts, during the time of his Sherivalty, both by his oath, and alſo by the ſtat of 1. *H* 5. c. 4.

Every Sherife ought to proclaim the ſtatute of Purveyors four times in his yeare, upon paine of a hundred ſhillings for every time failing therein, and he ought alſo to deliver that to his ſucceſſor to proclaim upon the like paine, by the ſtatute of 1. *H.* 6. c. 2. but this is never done.

Sherifs ought to make due election of Knights for the Parliament by the Freeholders of the County, and in open County Court, and between 8. and 11. of the clock in the forenoon of the ſame day, by the ſtat of 6. *H.* 6. c. 6. upon paine of a C. li. and a years imprisonment without baile or mainprize.

Sheriſes ought to return upon every precept directed unto them from Juſtices of *P.* to enquire of forcible entries upon every Jury twenty ſhillings iſſues at the firſt day. and Juſtices of peace have power and authority to hear and determine thoſe defaults by bill or indictment; and Sheriſes ſhall forfeit for every default twenty pounds, whereof he that will ſue ſhall have the moity by the ſtat. of 8. *H* 6. c. 9.

And Sheriſes ought to return in writs of attaints, in plea of land of the yearly value of fourty ſhillings, or in actions for deeds concerning lands to ſuch value, and in actions of fourty pounds or more, ſuch perſons inhabiting within his bailiwick which can diſpend 20. li. *per annum*, beſides all charges, forterme of life at the leaſt, and out of ancient demeſne, Gavelkinde, and Cinque ports, and upon the firſt diſtreſſe 40. s. and upon the ſecond C. s. and after double iſſues upon the Jurors, upon paine of 10. li. to the Keepers of the Liberty of *England* by Authority of Parliament, and 10. li. to the party grieved, and if there be not ſufficient perſons inhabiting within the

the County, which can expend 20. li. *per annum*, then they shall impanel other persons of the most sufficient in possession of yearly value of lands, under the value of 20. li. *per annum*, upon paine of 10. li. to the Keepers of the Liberty of *England* by authority of Parliament, and 10. li. to the plaintife, by the statute of 15. *H.6.c.5.*

A Sheriffe may not occupie his office above a year, and if he do, he shall forfeit two hundred pounds, and be disabled ever to be Sheriffe of any County after, by the statute of 23. *H.6.cap.8.*

No Sheriffe ought to let to farme his County, nor any of his Bailiwicks, Hundreds or Wapentakes, for it is both against his oath, and contrary to the statute of 23. *H.6.cap.10.*

No Sheriffe, Bailife of Liberty, nor any other Officer shall return in any pannel or Jury any of his Bailifes, Officers, or servants to any of his Officers, by the Statute of 23 *H.6.*

No Sheriffe, nor any to his use, shall take any thing of any person to be arrested or attached, nor for sparing of any arrest or attachment, for fine, fee, suit of prison, mainprise, letting to baile, or for shewing any ease or favour to any such person so arrested, but only for the Sheriffe twenty pence, the Bailiffe which maketh the arrest foure pence, and the Gaoler (if the prisoner be committed to prison) foure pence by the statute of 23. *H.6.c.10.* *Forfeiture 2. li.*

And a Sheriffe ought to take but foure pence for the copy of a pannel, and two shillings for returne of a pannel, by the statute of 27. *El.c.12.*

Sheriffes ought to let to baile all persons being in their keeping, by force of any Lette, Bill or Warrant, in any personal action, or upon indictment of trespas upon reasonable surety, having sufficient in the County to appear at the day and place, as those letters, bills or warrants require, except such persons as are in their guard or custody upon a *capias ad satisfaciend.* utlagary or excommunication, or for surety of the peace, or by commandment of any Justices, and vagrants which refuse to serve,

vide Dyer fol. 324. He is of opinion that the Marſhal of the upper bench is within the compaſſe of the ſtat. of 23. H. 6. *cap.* 10. But the Warden of the Fleet, and the Keeper of the priſon at *Weſtm.* are not within the compaſſe of that ſtatute, for they are excepted.

Note, that a Sheriffe ought to take bond for the appearance of his priſoner, with two ſureties, having ſufficient within the ſame County, otherwiſe the obligation is held to be void, and it muſt be made to the Sheriffe by the name of the Sheriffe, and not to the Vndersheriffe, and there muſt be nothing inſerted into the condition of that bond, but that the defendants ſhall appeare in the court from whence the writ iſſued at the day of the return thereof to anſwer to the plaintife in his action. *Plo. Comment. fol.* 68.

If more be inſerted into the obligation, then is for the appearance of the party bound, the bond is void, *per Mountague* chief Iuſtice *Comment.* 68. 1. in *Manninghams* caſe there.

A bond entred into by a priſoner, to any perſon ſave only to the Sheriffe for the enlarging of a priſoner, is not good, but meerly void in law, by the ſtatute of 23. H. 6. *c.* 10. And ſo it is where a bond is given to the Sheriffe by a ſtranger for the enlargement of a priſoner that is not bailable, *per* 37. *H.* 6. *& Dyer*, 2. *&* 3. *P. & M. fol.* 119.

A Sheriffe having **an Attachment** *return. coram dicto Rege & conſilio ſuo in camera ſtellat. apud Weſtm. in quindecim Paſchæ ad reſpond. dicto Domino Regi & conſilio, ſuo de quodam contemptu & ad fac. & reſp. ulterius, &c.* Return. before the ſaid King and his Counſell in the Starre-Chamber in 15. of Paſche, to anſwer the ſaid Lord the King and his Counſel, a contempt, and to do and anſwer further, &c. doth arreſt the party, and takes bond for his appearance, indorſed with ſuch condition that if the party arreſted ſhall perſonally appeare before the Kings Majeſty, and his councel at *Weſtminſter* in *Quindecim paſcha*, and then and there ſhall anſwer to

a contempt by him committed, that then, &c. It was a queſtion whether this bond and condition was good in Law or no, becauſe theſe words then and there were added unto the condition, which was more then the ſtatute of 23. H. 6. would warrant, and it was demurred on in Law, but by the opinions of *Dyer* and *VVindham*, it was thought to be a good bond and condition, notwithſtanding thoſe words were added, yet *Mead* was of a contrary opinion. But *Termino Mich. Anno* 2. & 3. *El.* judgement was given for the Plaintiffe, *Dyer* 364.

Sheriffes ought to take no obligation for any thing whatſoever it be, or by colour of their office, but onely to themſelves, nor of any perſon being in their cuſtody but by the name of the office, naming him Sheriffe in the obligation, this upon condition that the party ſhall appear at the day and place in the writ or warrant ſpecified, and if any obligation be taken by colour of their office in any other form it is void, 23. H 6 c. 10.

And Sheriffes ought to take no more but 4. d. for making of any obligation, warrant or precept, by the ſame Law.

And Sheriffes ought to make proclamation when they have received letters for the levying of expence of the knights of the Parliament, at the next County-court after the receipt of theſe letters; and the Coroners ought to be there to aſſeſſe the wages, upon paine of 40. s. and they ought to aſſeſſe every Hundred at a certain ſumme by it ſelf, and after every village within the Hundred with a certain ſumme; and if they do it otherwiſe, they ſhall forfeit for every default twenty pound, and he that will ſue ſhall have the moiety thereof with treble damages, 23. H. 6. c. 11.

And every Sheriffe after the receipt of the Kings writ for ſummoning of the Parliament for the election of Knights of the Parliament ought forthwith to make out his warrants under the ſeal of his office, to every Major and Bailiffes of Cities and Boroughs within the County, commanding them thereby to chuſe Citizens and Bar-

gesses to come to the Parliament: and those Majors and Bailiffes must make a lawful returne of that precept to the Sheriffe by Indenture made between them and the Sheriffe of their election, and of their names which are elected: And the Sheriffe must set his hand and seal of Office to the one part of the Indentures, and then deliver it to the Major, or Burgesses, or Citizens to be kept, and to the other part the Major, and Citizens or Burgesses, must set their hands and seales, and deliver it as their deeds, to the Sheriffe to be certified and returned by him with the writ of summons to the clerk of the Crown, who will have 4.l. for his fees for every Indenture, as I do take it.

The forme of an Indenture for the Knights of the Parliament.

THis Indenture made in the full County of South. held at the Castle of Winch, Munday the last day of May, the year, &c. betwixt F.P Knight Sheriffe of the County aforesaid of one part, and C. & Knights, H.D.Esq. and D.B Esq. &c. and many other persons of the County aforesaid, and Electors of two Knights to the Parliament, in the writ to this Indenture annexed specified, of the other part, who as the greater part of the whole County aforesaid, then there being sworne and examined, according to the forme forme and effect of divers Statutes, thereupon put forth and provided, chose H.W. and E.M. Knights within the County aforesaid, Commorant, girt with swords, Knights able and most fit and discreet, giving and granting to the two aforesaid Knights full and sufficient power for themselves and the whole County aforesaid, to do and consent to those things which at the Parliament in the said writ contained by the Common-Councel, &c. shall happen to be ordained, in businesses in the said writ specified. In testimony of which, the one part of the Indenture remaining with the Keepers of the Liberties

of

of England *by authority of Parliament, the parties aboveſaid have put their ſeales to the other part of the ſame Indenture, the aforeſaid Sheriffe has put his ſeal, Dated the day, year and place aboveſaid, &c.*

The forme of the Indenture for the Citizens and Burgeſſes.

THis Indenture made, &c. reciting the day, year, &c. Witneſſeth, that by vertue of a Warrant to me directed from Sir F. P. Knight, Sheriſe of the County of *Southampton* for the electing and chooſing of two Burgeſſes, men of good underſtanding, wit, knowledge, and diſcretion, for cauſes concerning the Weal publike of this Nation, to be at the high Court of Parliament to be holden at the City of *Weſtminſter*, the 27. day of *October* next coming *11 F.* Major of the Burrough of C. in the County of S. with the whole aſſent and conſent of the reſt of the Burgeſſes there, have made choice and election of H. M. of the middle Temple Eſquire, and W. S. of L. Eſquire, to be Burgeſſes of our ſaid Burrough of C. to attend at the ſaid Parliament, according to the tenour of the ſaid warrant to me directed in that behalfe, *In* witneſſe whereof *I* have to theſe preſents ſet our common ſeal of our ſaid Burrough, the day and yeare firſt above-written.

A Sheriff ought not to execute the office of a Juſtice of Peace during the time that he is Sheriff. 1. M. *cap.* 4.

Where any man by diſſimulation, flattery, or by any cunning, ſlight, means or practice, do make themſelves to be beloved of any ſole woman, as maid or widow; which maid or widow have great poſſeſſions, or great ſtore of goods or money, and to deceive them of it, and to gaine it for themſelves, do by fraud gain the poſſeſ-

sion of such woman, and do convey and keep them in such places, where they will not suffer them to go from them at liberty to dispose of their own as they list, unlesse such maid or widow will enter into bond or statute to pay some great summe of money, or else binde them from marriage with any but such as they will nominate and appoint, for remedy hereof it is ordained, that the party so bound shall have a writ in the Chancery, containing all the matter of such unreasonable dealing, called a special *Supplicavit* directed to the *Sheriffe* of that County where such wrong is offered, commanding him thereby to make Proclamation at his next County Court after receipt thereof, that the defendant appear at a certain day and place prefixed in the said writ, before the Lords Commissioners of the great Seal, or before the Judges of Assize of that County, or before some other person assigned by the said Lords Commissioners, and the *Sheriffe* is bound to execute such writs according to the tenour of them upon paine of 300. li. the one moiety thereof to the Keepers of the Liberties of *England* by authority of Parliament, and the other halfe to him that will sue by action of debt, where no wager of Law, protection or forrein plea shall be allowed, by the Statute of 31. H. 6 c. 9.

Upon information made to a Justice of P. or other Justices against any person for retaining or giving livery to any, or against any which is retained, the Iustices, ought to make processe upon this information as upon a recovery in debt or trespasse, and the *Sheriffe* ought to returne no lesser issues in any suit brought hereupon against any person that is sufficient, then 20. s. at the first day upon the distresse, and at the second day 30. s. and at the third day 40 s. and so at every day after, more by ten shillings in issues, upon paine for every return 20. s. 4n. 8 Ed 4. c. 2.

The antient *Sheriffes* may return writs, and execute their office, during the termes of *Saint Michael* and *Hilarie*, after the year their office is ended, if they be not

before

before that time lawfully discharged of their office, 17. *Ed.* 4. *cap.* 7.

No Sheriffe or any other officer ought to release or take from any person arrested or imprisoned for felony, his goods, until the same person arrested or imprisoned be duely convicted and attainted of the same felony by due course of Law, *viz.* either by triall, confession, or outlawry, upon paine to forfeit the double value of the goods so taken, to the party grieved, to be recovered by action of debt, wherein no wager of Law, essoine or protection lieth, *an.* 1 *R.* 3. *cap.* 3.

Sheriffes which have the custody of the Goale, ought to certifie the names of their prisoners, which are in their custody for felony, to the Justices of the next generall Goale-delivery in a Kalendar, upon pain of a hundred shillings for every default, *an.* 3 H 7. *c.* 3.

Also a Sheriffe nor no other person in his name, or by his commandment, shall enter any plaints into their books in any mans name, unlesse the plaintiffe be there in his proper person, or else by his sufficient Attorney or Depury, that is well known to be of good name, and behaviour, and the plaintiffe ought to finde pledges, such persons as are known in the Court to pursue his plaint. And a plaintiffe shall have but one plaint for one trespass, or one contract, and if the Sheriffe or any of his Officers cause to be entred any more plaints then the plaintiffe hath cause of action for, then the Sheriffe or his Clerk that doth contrary to this act, shall forfeit for every default 40 *s.* the moiety to him that will sue and prove the same matter by action of debt or information.

Also the Sheriffe shall make sufficient Precepts after such plaints entred, but not before against the defendants, directed to the Bailiffe of the Hundred to attach or warne the defendant to appear at the next County Court, and answer to the said plaints, and if there be any default in the said Bailifes in the execution of their offices according to the tenour of their precept, then they are to forfeit fourty shillings, and to be convicted thereof

of by examination of the Justices of P. or by any of them.

Also the same Sheriffe, nor his deputies shall make any extracts to levie the shire amerciaments, until that two Just. of P. whereof one to be of the *Quorum*, have the sight of their books, and the extracts to be indented between the Just. of Peace, and the Sheriffe and undersheriffe, sealed with their seales, the one part thereof to remain with the said Justices, and the other part with the Sheriffe, for his warrant to levie the amerciament by.

And that those persons that shall be gatherers of the said amerciaments, shall be sworne by the said Justices, That they take no more money then is forfeit, and certified in their extracts, sealed with the seales of the Justices to the same, upon the same paine of forfeiture as is above rehearsed, to be convict by examination of the same Justices or one of them. And the same Justices of Peace shall be appointed at the sessions holden at *Mich.* by him that is *Custos Rotulorum*, or in his absence by the eldest of the *Quorum*, to have the controulment of the said Sheriffes, Undersheriffes, Shire-Clerks, and others of their said Officers, and the said Sheriffes amerciaments, and the said Justices of Peace upon suggestion shall make processe against the Sheriffe, Undersheriffe, Shire-clerk or other officers, to appear before them to answer such suggestion or information, as is used in action of Trespass, by the Statute of 21. H. 7 *cap* 15.

Also every Sheriffe upon a Precept to him directed from the Justices of Peace, to return them a Jury to enquire of any Riot or unlawful Assembly committed, shall returne foure and twenty persons dwelling in the Shire, every one of them having 20 s *per annum* of Freehold, or 26 s 8 d. *per annum*, copyhold, or of both, besides all charges, and to returne in issues upon every person which maketh default, twenty shillings at the first day, and at the second day fourty shillings, and if default be in the Sheriffe for returning of persons insufficient, or for not returning of issues in forme aforesaid, then he doth

doth forfeit twenty pounds, *anno 19. Hen. 7. c. 13.*

Also if any Riot or unlawful Assembly be in any part of the Nation, the Justices of Peace, or two of them at the leaſt, and the *Sheriffe* or Vndersheriffe may come with the power of the County, if need be, and arreſt and reſtrain ſuch miſdoers, and theſe Juſtices and the *Sheriffe* have power to record that which they finde done in their preſence againſt the Law. And ſuch miſdoers ſhall be convict by that Record: And if they be gone before the coming of the Juſtices, and the Sheriffe or Vndersheriffe, then the ſame Juſtices, or two of them, ought diligently to enquire thereof within one moneth after ſuch Riot or Aſſembly made, and if the truth cannot be found out within one moneth then next enſuing, then thoſe Juſtices, or two of them, and the *Sheriffe* or Vndersheriffe ſhall certifie the Keepers of the Liberties of *England* by authority of Parliament therof, and of all the circumſtances thereof, which Certificate ſhall be as an Indictment of twelve men, whereunto they ſhall be compelled to anſwer, *anno 33 H. 4. cap. ultimo.*

And if the ſaid Riot or unlawful Aſſembly be not found by reaſon of any Imbracery or maintenances of the ſaid Jury, then the ſaid Juſtices of Peace, and the *Sheriffe* and Vndersheriffe, over and beſide ſuch Certificate that they muſt make, according to the Statute of *an. 33. H. 4.* ſhall in the ſame Certificate certifie the names of the ſame Maintainers and Imbracers in that behalfe, if any be, with their miſdemeanours that they know, upon paine of every the ſaid Juſtices, and *Sheriffe* and Vndersheriffe twenty pounds, if they have no reaſonable excuſe for non-certifying of the ſame; which Certificate ſo made ſhall be one Indictment in the Law, and every perſon duely proved to be a Maintainer or Imbracer ſhall forfeit twenty pounds, and be committed to Ward there, to remaine by the diſcretion of the Juſtices, *Anno decimo nono Hen. ſept. cap. 3.*

Alſo that no *Sheriffe* upon Writs and Precepts directed unto him to returne before Eſcheators or Commiſſioners ſhall

shall returne any person to enquire of any lands or tenements, except he have lands or tenements of the yearly value of fourty shillings, above all charges in the same shire, upon paine of forfeiture for every person so returned, an hundred shillings, *an.* 3. H. 8. c. 2.

Also all pannels that are in by the Sheriffe before any Justices of Gaole-delivery, or before Justices of peace, whereof one to be of the *Quorum* in their open *Sessions*, to enquire for the Keepers of the *Liberties of England* by authority of Parliament, may be reformed by putting out and taking from, of the names so impannelled by discretion of the same Justices, and that the same Justice or Justices shall command every Sheriffe and their Ministers in their absence to put other persons in the same pannels by their discretion, and the same pannel so returned by the Justices to be good, and if any Sheriffe do not return the same pannels so reformed, then every Sheriffe so offending, shall forfeit twenty pound, half to him that will sue by action of debt, bill or complaint, where such shall happen to be, and no wager of Law, Essoine, or Protection to be allowed, *Tertio Henr. 8. cap. duode-*

Also upon every Exigent where Writs of Proclamation are to be awarded, the date Writ of Proclamation hereof shall be the same day of return that the Exigent hath, and to be delivered of Record by the Exigencer of every shire. And the Sheriffe is to make a Proclamation three severall dayes in his County, whereof one proclamation is to be made at the generall Sessions in those parts where the party is supposed to be dwelling, there to yield his body to the Sheriffe of the shire, that the Sheriffe may have the body at the day of the returne of the Exigent and answer to the plaintife. And that the Sheriffe of the County that hath such writ of proclamation duely execute, and to returne the same at the day, upon paine to forfeit such amerciament, as by the Justices before whom the said Writs shall be returnable, shall be assessed, *An* 6. H. 8.

Also

Alſo Sheriſes which have the cuſtody of gaoles ſhall make ſeales to be graven with the name of the Caſtle, that they keep for to give and ſeal letters to priſoners, acquitted to beg for their fees within the hundred where they be delivered by the ſpace of ſix weeks next after their delivery, and then to go to the Hundred where they laſt dwelled by the ſpace of three years, or where they were borne: the *Sheriffe* ſhall not ſuffer ſuch priſoners to beg for their fees, nor to depart out of priſon to do ſervice and labour, until he deliver to them ſuch letters, and the Clerke of the peace is to make ſuch letters within one day after the Seſſions, when ſuch priſoner is acquitted, upon paine of 12.d. to the Keepers of the Liberties of *England* by authority of Parliament by the ſtatute of 22. H. 8. c. 21. & 5. El. c. 4.

Sheriffs ought to keep their County court every moneth if it hath been accuſtomed to be ſo kept, *Magna chart.* c. 53.

The Keepers of the Liberties of *England* by authority of Parliament command that *Sheriſes* and their Officers which receive the debts, ſhall acquit the debtors upon their account when they have received the debts, and then it ſhall be allowed upon their accounts in the Exchequer: and if the *Sheriffe* do otherwiſe, and be thereof convicted, he ſhall then pay three times ſo much as he hath received to the party grieved, and alſo be fined at the Keepers of the liberties of *England*, by authority of Parliament pleaſure, *Weſtm.* 1. c. 20.

Sheriſes and other which have levied the Keepers of the liberties of *England*, by authority of Parliament debts, and given acquittances to the debtors, and yet do not acquit them, it is accorded and ſet down for a Law, that when the *Sheriffe* is impleaded for it in the Exchequer, if he come not in upon the firſt diſtreſſe, then ſhall go out another with proclamation, which muſt be made in full County, that the defendant do come in at a day certain, and acquit the debtor of the money which he did receive, and if he come not in then, he ſhall be convicted by default, and the debt levied upon

upon him as a debt recovered against him in the Court of exchequer and the plaintife shall have therein damages according to the discretion of the Barons, by the statute of 14. E. 3. c. 1.

And it is the Keepers of the Liberties of *England* by authority of Parliament commandment, that all Sheriffes and Bailifes which have received their debts of the summons of the Exchequer, if they acquit not the debts upon their account, that then they shall be punished according to the statute *de diſtrictionibus ſcaccarii. c. 5.*

And it is ordained that execution of writs which are brought to Sheriffes, should be done by the Bailiffes of Hundreds sworn and known, and in full County, and not by others, unlesse those Bailiffes will not, or cannot execute them, then they are to be done by other convenient person or persons sworne by the stat. of *Lincolne, cap. ultimo.*

No Sheriffe shall suffer a Barretor to maintain any actions or quarrels in their County-Courts, nor stewards of great men or others, which is not Attorney to his Lord or Master, nor they shall not pronounce judgement there, unlesse they be thereunto required by all the suitors. *Weſtm. 1. c. 23.*

It shall be lawful for every Sheriffe, Justice of peace, and Escheator, to seise to the Keepers of the Liberties of *England* by authority of Parliament, use all such goods and chattels as Egyptians have, within their charge, and thereof to give an account to the Keepers of the Liberty of *England* by authority of Parliament in the exchequer for the moity thereof, and to detaine and keep the other moity to his own use, and to pay no fees for the account, nor for the charge thereof.

In these Statutes is appeareth what things Sheriffes ought to do by reason of their office, and that they ought to take nothing for doing of their office, but that only which is appointed for them to take by the same statutes, if they do otherwise it is extortion in them, and it ought to be enquired of by the Iu. of P. and by them punished accordingly.

And

And it is ordained by the ſtat. 1. H. 4 c. 5. that if any Sheriffe do any extortion to the people, and thereof be duly attainted, that he ſhall be puniſhed for the ſame extortion at the Keepers of the Liberties of *England* by authority of Parliament will.

A Sheriffe may and ought at his turnes to require of common Nuſances done to all the people of this Commonwealth, but not of aſſaults made to a ſole perſon *per Martin Anno quarto Hen. ſexti, Octave Edw quarto quinto Dyer* 234.

A Sheriffe ought to keep his turnes within a moneth after *Eaſter*, and within a moneth after *Michaelmas*, and if he keep it at any other time after the moneth, it is void by the Statute of 13. *Ed.* 3. c. 19. and all indictments and preſentments taken there after the moneths are expired, are void by the ſtatute of 38. H. 6.

A Sheriffe may enquire of blood-ſheds in his turne, for if any thing be omitted in a leet, it may be enquired of at the Sheriffes turn, for all leets were derived and taken out of the Sheriffes turn. *Paſch.* 8. *Edw.* 4. 26. 43. *Ed.* 3. & 20. *E.* 3. 3.

And all the Juſtices were of opinion, that a Sheriffe hath authority to enquire of all things in his turnes, that is either treſpaſſe or felony at the common Law, except of the death of man, but he cannot enquire of treſpaſſe or felony by ſtatute in his turne, 28. *E* 3 95. 21. *E.* 4.

If a Sheriffe enquire of Nuſance in his Turn, and it is there found, which ſhould have been required of in a leet: now the Sheriffe cannot diſtraine for his amerciament, for if he do, he is a treſpaſſer: But if default be in the Lord of the leet, for that he did not enquire the return thereof, it ſeemeth then that the Sheriffe by the Lords default may enquire thereof in his turne, 28. *E.* 3. 95. 2. 9. *E.* 3. 27. 10. *H.* 21 *E.* 3. 3.

If a man have a Faire or a Market by grant or by preſcription, and doth not keep his faire or market as he ought to do, the Sheriffe may enquire of this in his Turne.

Vpon

Vpon a presentment of a Nusance, in the Sheriffes turn, the offendor shall be amerced, there the Sheriffe may distraine for that amerciament. And if a Purpresture be presented there, the Sheriffe may abate it and return it. *Pasch.* 25. *E.* 3.

It appeareth by Master *Briston*, that all the Freeholders and Terre-Tenants, inhabiting within the Hundred, ought to come to the Sheriffs turn, none excepted, but Knights and Clergymen, their wives and children. And there, twelve at least of the sufficientest Freeholders within the Hundred ought to be impanelled and sworn to enquire and present all things there inquirable, and presentable, and all the rest which appear there, ought to be sworne by the dozeners and villages to present to the said Jury all such things as shall be given them in charge, and it seemeth that the Sheriffe ought to keep his turne in every Hundred within his County, and there punish all things which have been omitted at the Leets or law dayes there.

Also by the same Law, it seemeth that they ought to enquire there of petty treasons, Homicides, Rapes, Robberies, Burglaries, and of all manner of Felonies by the Common Law, and of all other things enquirable at a Leet, according to the statute of 18 *Ed.* 2. *de Visu Franc. Plegii.*

And when the dozeners and villages have delivered their presentments to the said Jury, and the Jury, when they are agreed of their presentments, then they must give up to the Steward or Court keeper such presentments as they will stand to and avow, and if there be any of Felony, they must deliver up these by themselves to the steward privily and the rest openly.

But this Court is now almost out of use, since Sheriffs have used to sell both their sherifwicks and bailiwickes to men of mean estate, that will not regard the good of the Commonwealth, but altogether their own private gaine and profit, whereby the Keepers of the Liberties of *England* by authority of Parliament are many times much

much wronged and deceived, between the Vndersherife, and the Bailifes of all their waifes, ſtraies and felons goods, which are taken up by the Bailife, and never accounted for, which may touch the Sherife in his credit and reputation, for when he entreth into his account for the payment of the Keepers of the Liberties of *England* by authority of Parliament debts, he is then ſworne to anſwer and account for all waifes, ſtraies and felons goods, debts, perquiſites and profits which he ſeldome or never knows of, becauſe thoſe ancient Courts are not kept as they ought to be, and therefore how he may diſpenſe with his oath herein, is the queſtion.

There is a Writ in the Regiſter, *fol.* 174. whereby a Sherife may remove all his Bailifes of Hundreds, Wapentakes, Tythings and Liberties, which have not lands or Tenements ſufficient within the County. And Sherifes Bailifes one yeare, ought not to be in that office in three yeares after, by the ſtatute of 1. *H.* 5. *cap.* 4. becauſe by their continual being in that office, they grow ſo cunning, that they are able to deceive both the Keepers of the Liberties of *England*, by the authority of Parliament, the Sherife, and the countrey.

And Sherifes Bailifes ought to be ſworn to the Keepers of the Liberties of *England*, by authority of Parliament to exerciſe their office duly and truly by the ſtatute of 27 *Eliz. capitul.* 12.

The nature of Executions, and of how many ſorts they are.

THey are of ſix ſorts or degrees, *viz.* upon a Statute Merchant, a Statute Staple, a Recogniſance, an Elegit, a *Capias ad ſatisfaciend.* and a *fieri fac.* and a Sherife cannot lawfully break any mans houſe to do execution upon any of theſe juſtifiable, except the Keepers of the Liberties of *England* by the authority of Parliament be a partie, for every mans houſe is his ſafeſt refuge, as here-

after ſhall appear. If a man be bound in a Statute Merchant, execution ſhall be done thereof thus. Firſt, a Writ of *Certiorare* muſt be ſued forth of the Chancerie, directed to the place where the Statute was acknowledged, to certifie the acknowledgement of the Statute into the petty bagge office in the *Chancery*, and upon that Certificate ſhall go out a *Capias* againſt the body only, *ſi laicus ſit*, returnable in the Court of Common pleas, or in the upper Bench: And upon the returne of that with the Sherife of that ſhire, to whom it was directed, that he is a Lay man, and is not found in his ſhire, then within a quarter of a yeare after ſhall go out an Exigent againſt all the cogniſors lands and goods, and againſt his body, and for your better ſatisfaction herein, ſee the Statute *de Mercatoribus* 37. *Hen.* 6. *fol.* 6. and *Fitzherbert* 130. *G.*

A ſtature ſtaple muſt be certified in the like manner as ſtature Merchant, and upon that ſhall go forth a Writ of execution, both againſt body, land, and goods returnable in the Chancerie in the petty bag office there, and not in the Court of Common pleas or upper Bench, as the Writ of execution upon a *Statute* Merchant ſhall: and upon the returne of this Writ ſuch lands and goods as are taken in execution ſhall be delivered to the cogniſee by the Sherife by another Writ called a *Liberate*, and not before. And note that all the fee-ſimple lands, which the cogniſor had at the time of the acknowledging of the ſaid *Statute*, or at any time after, are liable to both the ſaid ſtatutes, but no entailed land, but during the cogniſors life, nor no copihold land, nor no goods, nor Leaſes for life or years, but ſuch as the cogniſor hath in his own uſe and poſſeſſion at the time of the execution done, *Fitz.* 131. D.

Note, that if a ſtatute ſtaple be returned and filed, the cogniſee can have no *Liberate* into any other County. 2. *R.* 3. *fol.* 7.

Vpon a Recogniſance there ſhall not go out a *Capias*, but

but *Scire fac.* returnable in the Chancerie, and upon the returne thereof they do use to award a *Capias*, a *Fieri facias*, or an *Elegit*, at the choice and election of the cognisee, 48 E. 3. *fol.* 14.

By an *Elegit* the Sherife may take in execution one halfe of the land of the cognisor, and all his goods, besides oxen and beasts of the plow, *A capias ad satisfaciendum* is only against the body, which the Sherife must be sure to keep safe, or else he may perhaps pay the debt, if his prisoner do escape, either with his leave or consent, after he is once in execution, for then the Sherife hath small remedy or none at all, but if he do escape against the Sherifes will, and without his consent, then the Sherife may take him again if he can finde him, by the same Writ before the returne thereof, or by ano her after, though it be in another shire, so that he be followed with fresh suit, and taken again before the action brought by the plaintife against the Sherife for the escape, howsoever the Sherife in this case may have his remedy against his prisoner by his action upon the case, if he be able to make him satisfaction, otherwise he may keepe his body, and his prisoner in this case shall not be delivered by *supersed.* upon *audita querela*, because he cannot take any benefit of his own wrong. But otherwise it is when a prisoner escapes with the consent of the Sherife or goaler, for then he shall have and maintain if he will an *audita querela* against a Sherife, or a goaler, as it appeareth in my Lord *Cookes* 3. book of Reports, *fol.* 43. & 44. in *Boytons* case there.

And in my Lord *Cookes* said third book of Reports, it is resolved for Law, That if a Sherife die in the time of his Office, having divers persons in his custody, and after a new Sherife is chosen in his place, in this case it behoves the new Sherife to take notice at his peril of all the executions which are against any person which he findes in the goale, and that is a matter of necessitie, for in that case there is no man *in rerum natura*, to deliver the prisoners unto him.

Alſo in the ſame caſe it is reſolved, that if a Sheriffe die in the time of his office, and before another be appointed to that place and office, a priſoner which was in the priſon in execution, breaks the priſon, and ſo is at large, this is no eſcape, and the reaſon is there alledged, becauſe when the Sheriffe dièd, all his priſoners were in the cuſtodie of the Law, until a new Sheriffe was choſen, and ſet in his place. And therefore although that the priſoners be in the *interim* out of the walls of the priſon, yet the Law hath the cuſtody of them, and preſerves them in execution, without any freſh ſuit made after them, whereſoever they be, and they may be fetched againe in execution at any time after, if they can be found, and no eſcape in this caſe can prejudice the Plaintife.

Note alſo, that if a priſoner die in execution before payment or ſatisfaction made to the Plaintife for his debt, for which he is in execution upon a *Capias ad ſatisfaciend.* in this caſe the pl. ſhall have an *Elegit* againſt the defendants lands and goods, if he had any lands, in fee ſimple, or at any time after the Judgement was had againſt him, or any goods at the time of his death. And it is *Bloumfields* caſe in the fifth book of *Sir Edward Cookes* Reports. *f.* 87. and *Fitz. nat. br. fol.* 246.

Alſo when a man is in the Sheriffes cuſtody by the proceſſe of Law, and after another Writ is delivered to the Sheriffe againſt the body of him which is then in his cuſtody, the Sheriffe in this caſe muſt be anſwerable for his priſoner, although he do not arreſt him by the ſecond Writ, by the judgement of the Law, for *Lex non præcipit inutilia.* And this in *Froſts* caſe, in the fifth book of Reports, *fol.* 89. And with this agreeth 7. *H.* 430.

If a *capias*, *viz.* a mean proceſſe be executed, and not returned, the arreſt is tortious and a wrong, for the arreſt is made to that end, that the def. ſhould appear to anſwer to the plaint. his action, but in all Writs of execution except an *Elegit*, if the execution be duly done, although the Writ be never returned or filed, it is no

great

great matter if the pl. have his demand, for then he hath no cause to proceed any further therein, but in case of an *Elegit*, because the Extent is to be made by an Inquest, and not by the Sheriffe alone that ought to be returned, or else it is nothing worth, as it appeareth in *Hoes* case, in the said 5. book of Reports, *fol.*90. and by *Fulwods* case in the 4. book, *fol.*65.

Also it is resolved in *Seymans* case in the said 5. book of Reports, *fol.*91. that a mans house is to him his Castle, as well for his defence against injury and violence, as for his rest and repose, and that a Sheriffe cannot justifie the breaking of any mans house to execute a *Capias ad satisfaciendum* or a *Fieri fac.* but if he do, it is at his peril, and he is therein a trespasser; if the Keepers of the Liberties of *England* by authoritie of Parliament be not a party, for every mans house is his safest refuge: but if the Keepers of the Liberties of *England* aforesaid be a party, then the Sherife may justifie the breaking of a house, to do execution of his processe, if he cannot otherwise execute his processe, but first he ought to make request to open the door by the Stat. of Westm 1. *c.*17. and 41 of the Assise, *p'cit.*17. if he break the doores, when he may enter otherwise, yet in the said *Seymans* case, it is resolved, That a Sherife upon an *habere fac, sciſinam* or *possessionem*, may break a house and deliver seison and possession thereof to the plaintife, and the reason whereof is, because that after judgement, it is not the defendants house in right and judgement of Law.

Also whether it be for felonie, or suspition of felonie, the Keepers of the Liberties of *England* by authority of Parliament officer may break another mans house to apprehend a thief, and that for two reasons, *viz* one for the good of the Commonwealth, and the other is for the service and duty which he owes to the weale publique, for in every felony the Commonwealth hath an interest, and where the Common-wealth hath any interest, the Writ is A *non omit. propter aliquam libertatem*, and therefore the liberty or priviledge of any mans

house will not hold against the Keepers of the Liberties of *England* by authority of Parliament, but where the Commonwealth hath no interest, but only a common person. A Sheriffe although he make request to open the doores, and denial is made, if he should then break them, and so enter and do execution, that men in the night as well as in the day, should have their houses broken upon any fained matter, for although that a Sheriffe be an officer of great authority and trust, yet it appeareth by daily experience, that all or the most part of the Keepers of the Liberties of *England* by authority of Parliament Writs, are executed and served by Undersheriffes and Bailiffes, which most commonly are persons of small value and account. And all the authorities which do prove that when the Processe concerne the aforesaid Keepers of the Liberties of *England*, that the Sheriffe may then breake the house of any man to execute them, if otherwise he cannot execute them, implieth that at the suit of a common person, the house cannot be broken justifiably, and with this resolution agreeth the book in 6. *Edw.* 4. *fol.* 9. A *fieri facias* is only against the goods and chattels of a man, as moveable goods, or Leases for yeares, and the Sheriffe had need to be very carefull how, and after what manner he doth execute this Writ, lest he burne his fingers, for if the goods or Leases which he taketh in execution be not the defendants own goods or Leases, although he may finde them in the possession of the defendant, which is the best colour in Law to prove them his, if he use them and take the profit and benefit of them as appeareth in *Twynes* case in Sir *Ed. Cookes* 3. book of Reports.

Also sometimes it doth fall out, that the goods and chattels, which a Sheriffe upon such a Writ taketh in execution, are not the defendants, and then the Sherife is a trespasser to the Owner of the goods, as if the Lands be pawned to the Defendant, they are none of his until the day of the redeeming of them be past, 34. *H.* 8. *Pledges*, & 28. & 4. *Edw.* 6. *distr* 75. So if a man *bonafide* make

a Leaſe of his Oxen for yeares, and after is condemned in a perſonal action, theſe Oxen during the time ſhall not be taken in execution, 22. E. 4. *fol.* 10.

In debt where three are bound jointly and ſeverally, and three Judgements are had againſt them, in this caſe if execution be done againſt one of them, the others ſhall have a *Superſedeas*. But in treſpaſſe againſt three, execution againſt one of them ſufficeth not, and the ſame Law is in a joint debt 4. *Ed. fol.* 39.

If goods taken in execution upon trial are found to be none of the defendants, then the Sheriſe ſhall pay damages to the owner of the goods, to the value of the goods ſo taken, and coſts of ſuit, although he hath delivered them to the Plaintiſe in execution, if he have returned his Writs, that he hath taken ſo much goods of the defendants, and that he hath thoſe moneys ready to tender, &c. to the plaintiſe, then he is at a double miſchief; for although the value of the goods be recovered againſt him by the owner of the goods, yet the plaintiſe in the action may within the yeare after execution done, have a *Scire facias* upon the judgement and returne, and thereby compel the Sheriſe to bring the money into the Court, and after the yeare he may have an action of debt againſt the Sheriſe for it, if he be not otherwiſe ordered by the Court where the Judgement is depending. And therefore in this caſe the ſureſt courſe for the Sheriſe, is either to keep the goods until the parties be agreed, or elſe to take good ſecurity of the plaintiſe to defend him and ſave him harmleſſe, and to ſtay the returning of his Writs, until he may be well adviſed what to do therein, for if he take a bond of the plaintiſe, it is queſtionable whether it be good or no in Law, and not within the compaſſe of the Statute of 23. H. 6. to be taken *color officii: ſed hoc quære.*

It is reſolved in *Mittons* caſe in my Lord *Cookes* 4. book of Reports, *fol.* 33. & 34. that both the County C. and the goale are appertinent and belonging to the Sheriffs office, and ought not to be ſevered, no more

then the Sherifes turne from the office, and it was the opinions of *Poph.* and *Anderf.* the 2. L. chief Juſtices, and with that agreeth the Judgements of the Parliament *an.14.E.3.c.10.*

Now next I will ſay ſomething as concerning a Sherifes account, which will trouble him moſt of all, if he be never ſo skilful therein, it is ſo tedious and ſo chargeable, for if he get by his office, he will go nigh to be ſtripped clean out of his paying of Exchequer fees, and other extraordinary charges which he cannot avoid, as experience hath taught me, and there is no way to helpe it as I think, but by an act of Parliament, and therefore it is no marvel that the Vnderſherifes make ſhipwrack of their conſciences, to catch what they can to ſave themſelves, and that which they had before they entred into that office, for what between ſome of their high Sherifes covetouſneſſe in taking money for their office: and extremity ſhewed to them and their ſureties upon every light and ſmall occaſion, and the extreme taking of ordinary and extraordinary fees of Exchemen, a poore Vnderſherife is ſtripped out of all that ever he hath, or can make, if he do not hedge ſo, as he may be ſtill in action every yeare, as a fox is ſtripped out of his skin; and yet few or none will pity him, for in every Court where he is called in queſtion, the name of the Vnderſherife is ſo odious, and many times not without juſt cauſe, that oftentimes an honeſt man is condemned to be a knave, before he is heard ſpeak for himſelfe: nay, he is ſo odious, (I mean a lewd extorting Vnderſherife,) that a Thief by a generall pardon, receives more favour then he can, for a thief is thereby pardoned of all felonies, for the which he might have the benefit of his Clergie, although he cannot reade, but all miſdemeanours, committed by an Vnderſherife, are commonly excepted out of the generall pardon, which is ſomewhat harſh, that all ſhall be condemned for ſome, for there is never an Officer the Keepers of the Liberties of *England* by authority of Parliament have, taketh more paines, and undergoes

goes more perils, and doth the Keepers aforesaid better service, then an honest, understanding and a careful Vndersherife doth, but commonly these do die beggars by reason of the causes before alledged.

The entrance into the Sheriffes Account.

FIrst, in Hilary terme next after they are out of office, the high Sheriffe, and undersheriffs of most Shires are sworne to yield and give a just and true account to the Keepers of the Liberties of *England* by authority of Parliament and their officers in the publick Exchequer, which they shall be charged withal, by the green wax of the Exchequer, and of all waifes, strayes, and felons goods, which happened within the compasse of their office, and of all other profits whatsoever, due and belonging to the weale publick, and chargeable by them to answer for, by reason of their office, or much to this effect. Now when this is done, the high Sheriffe commonly takes no further care, because he thinkes himself secure, by reason of his security which he hath of his Vndersheriffe, for thereupon he relies, and seldome or never remembers what oath he hath taken, and so commits all to his undersheriffe, then if his undersheriffe be a careful and an honest man, and have skill and regard to do his best endeavour, to levie the Keepers of the Liberties of *England* by authority of Parliament debts, and to pay them into the receit duely and orderly, as they ought to be, then the high Sheriffe may do well enough, and therein discharge both his oath and his oath and dutie, but if otherwise a lewd, or an ignorant Undersherife, may both undo his high Sheriffe and himselfe, both in this world, and in the world to come, by *totting* and *nichiling*, that is, in charging or discharging, unorderly, unhonestly, or ignorantly, for if it be totted, that is charged, though it can never be levied, it will now hardly be avoided, but it must be paid, and if it be nichiled, if it be issues of Jurors

reurs, though they be never so bad, and cannot be levied, between the old Sherife which returned them, and the new Sherife which nichiled them, they muſt be payed, though it be ſeven yeares after, if there come no pardon in the mean time, by an old Statute made in the 27. yeare of *Ed.* 1. and to prevent this, it behoves all Sherifes before they take upon them to returne any Jurors, to get them a perfect book of all the ſufficient Freeholders names in the ſhire, and eſpecially of all which dwell in the gildable, howſoever they do of thoſe which dwell in liberties, but of both is beſt, that the one may help the other, and to returne few or none that be mean Freeholders in the gildable, leſt by the ſaid Law they be enforced to pay their iſſues for them, which is a thing very hardly to be brought to paſſe, unleſſe the Juſtices of P. in every quarter of the Countrey do cauſe the Conſtables and Bailifs to bring a true certificate thereof to the firſt quarter ſeſſions that ſhall be holden in the ſhire, after the election of the new Sheriffe, to be delivered unto him there, and this will hardly be done, unleſſe the Judges of Aſſize of every ſhire will be pleaſed to write their letters to that end and purpoſe to the Juſtices of peace of every diviſion.

Now next the Underſherife muſt go to the forrein Apoſer, and with him he muſt either tot, nichil, or ſet over into liberties all the debts and ſummes of money contained in the ſummons of the green wax, and in the Extracts of the *P.* of the Co. where he was Vnderſheriffe, wherein he muſt be very careful what he doth, leſt he do that which he cannot undo again, and to prevent the danger thereof, his beſt way is to examine his book which he is to make of all the charge contained in his ſummons and ſcedules before and with the Bailife of the ſhire, to have their direction, which are good debts, and which are not, and which are in liberties, and which are not, if he himſelf do not know it before he come to his account, and then make his book accordingly, and then he ſhall be the better able to perform the duty of an honeſt man, when he comes to his Appoſals; but herein

if

If the Sheriffe know not well the Countrey, and the Keepers of the Liberties of *England* by authority of Parliament debtors himselfe, he is many times abused by the Bailifes, who most dishonestly will mis-informe him, and for bribes and rewards which they receive of the Freeholders, will tell him, that they are either long since dead, or nothing worth, when as they are living, and very sufficient, and they will also serve him so, with the Recognisances, and by that meanes dishoneſt Bailifes do cause Sherifes to deceive the Keepers of the Liberties of *England* aforesaid, of many of their debts by their ignorance against their wills, in trusting of the reports and informations of their Bailifes; and this cannot be helped unlesse the Sherifes will levie the Keepers of the Liberties of *England* by authority of Parliament money themselves, which they cannot possibly do by reason of their other businesse, or had trusty servants about them to do it truly and honestly, without grievance of the countrey, as it ought to be.

A Particular of the ordinary Charges of the Accompt of the *Sheriffe of the County of Southampton*, heretofore used to be *payed*, as *followeth*.

Termin. sancti Hil. Cra. Purificationis, when he entreth into his Accounts.

Inprimis, to his Attorney in Mr. *Osbornes* Office, for his warrant of Attorney. ij.s.vj.d.

Item to him for his fees, and I cannot tell for what else. xxx.s.

Item, to his man for his fees. vj s. viij.d.

Item to another in that office for entring of that warrant. xij. d.

Item to the punie Baron for ministring of the oath. ij.s.

Item to the Criers and Tipstaves there. xx.s.

Item to the Marshal then and there, vi.s.viij.d.

Item to the forrein Apposer for his fee, iij.li.x.s

Item to his men, x s.

Item to the Clerk of the Extracts for his fee, xx.s.

Item to his men, x.s.

Item to his Attorney in the pipe for his fees, v.li.

Item

Item to his man for his fee. xx s.

Item to the Deputy of the Pipe for his fees. xxiij s. jv d.

Item to the Controuler of the Pipe for his fees. xxvij.s. vj.d.

Item to his man for his fee. x s.

Item to Maſter *Orms* of the Pipe for his fees. xvij.s. viij.d.

Item to the Baron for the Appoſel upon the Summons of the pype. x.s.

Item to him for his fee for the Vicontels. x.s.

Item to his man for his fee for the ſame. v.s.

Item to his Attorney in the Remembrancers Office for his fee. iij.s.iv.d.

Item to his man. iij.s.vj.d.

Item for a Writ of Aſſiſtance from your Attorney in M. *Osbornes* Office. v.s.vj.d.

Iuprimis to the Maſter of the pype for his fee. xviij.li. v.s. *Termin.*

Item to the Ma. of the Wardrop for his fee. v.li. *Paſcha.* xj.s.ix.d.

Item to him for a Tally to haye thereby an allowance given for it. xvj d.

Item for joyning of that Tally in the Pype. iij.s. iv.d.

Item for Maſt. *Elſons* fee for the forreſt of *Wesbeare* in *Hampſhire.* iij.li.x d.

Item for the Earle of *Pembrokes* fee for *Burley* wall in the new Forreſt in the ſaid County. ix.li.ij.vj.d,

Item to Sir *Will. Kingſmill* for his fee and reparations of *Freemantle* Park in the ſaid County. xxix.li xvij.s. v.d.ob.

All theſe five laſt payments are allowed upon the Sherifes account out of the Keepers of the Liberties of *Engl.* by authority of Parliament money, which otherwiſe ſhould be paid to them.

Item to the forrein Appoſer for his fee for allowance of

of Justices wages to the Sheriffe upon the Extracts of the Peace. xl s.

Item to his men for their fee. xiij s.iv.d.

And herein the Sheriffe of the said County is wronged by the Clerk of the peace of the said County, for the Clerk of the peace there receives all the fines, and payes the wages, and if there be any surplusage he puts it up in his own purse, and the Sherife payes it into the Exchequer, and never hath it because the fines are all certified in the Extracts of the peace, and many times the fines do exceed the wages of the Justices which are allowed to the Sherife for the wages, for he is allowed but foure shillings a day a piece for eight Justices, and therefore accounting the fees which he payes to the Officers in the Exchequer for his allowance, he is a great loser by it, and the Clerk of the peace goes away with the gains, therefore this would be remedied.

Item to the forrein Apposer for casting up of the *debet* upon the scedules of the green wax. v.s.

Item to the Auditor assigned for the Shire, for declaring of the account. xl li. at the least.

Item to the Attorney of the pipe for giving allowance of the Justices wages, before allowed by the forrein Apposer in the Sherifes account, xiij.s.iv.d.

Item to him for giving allowance of *Elstons* acquittance. vj s.viij.d.

Item to him for the foot of the *Accompt*, xxxiij.s.iv.d.

Item to his man for his pains taken therein. x.s.

Item to the Baron for declaring of the account, vj.s.8.4.

Item to his man for his fee. ij.s.

Item to his Attorney in the Remembrancers office for examining of the *Account*. v.s.

Item to one of M. *Osbornes* office for receiving of the account. v.s.

Item for copies of the scisures which the Sherife makes himself in his yeare, in M. *Osbornes* office commonly at the least. v.li.

Item for copies of the new scisures on the rememb. side,

ſide, according to the number of them, but commonly they come to about. xx s.

Item you muſt leave with your Attorney in M. *Osborns* office in part of payment for making your petition upon your account, for they will coſt you iiij s. a peece, and you may perhaps have C. x. li.

Item for another Writ of Aſſiſtants there. v. s. vj. d.

Item for entring the view of the account in M. *Osborns* office, vj. s. iv. d. *Termino Trin. ſtatis*

Item in the alienation office for viewing of the account, and for a note of the charge there. iij. s. iv. d.

Item if the Sheriffe take the benefit of a general pardon, then he muſt go to the Clerk of the Extracts to have ſcedules made of all, ſuch iſſues as are pardoned, and they will coſt him for every ſcedule, (as I remember) xx. d. which may come to foure or five pounds or thereabouts.

Item to the Clerk of the Extracts man for his paines therin xiij. s. iv. d.

Item then to a Baron for allowing of them, xiij. s. iv. d.

Item to the Barons man, iv. s.

And this muſt all go out of the Sheriffes purſe, without any allowance; and it is better then to oppreſſe the countrey when they may be eaſed by the pardon. For if the Sheriffe levie any, he muſt pay it into the receit, or elſe he is forſworn.

Then if you carried any priſoners by Writ or commandment from the Judges of Aſſize, you muſt go to the chief Judge of Aſſiſe for his warrant, and get your allowance under his hands as good cheap as you can, for ſome of his men will have money of you for it, x. s. at the leaſt.

And then when you have his hand for it, you muſt go to the Chancellor of the Exchequer for his hand to it, and his man will look to have for his paines therein taken, at the leaſt, x s.

Alſo in the alienation office it will coſt you for making

of

of the bond and acquittance with the ſchedules of ſeiſures againſt ſuch as have ſold land held of the Commiſſioners without licenſe of alienation. xl.s.vj.d.

Item for a Warrant for a day to finiſh the account until Mich. terme, which now will hardly be gotten without extraordinary favour, xl.s.

Item to the Attorney in the Pipe-office, for ſetting off from the account ſix amerciaments, xx s

Item to his man for his pains therein to be taken, x s.

Item paid for diſcharging the amerciaments in M. *Osburnes* office, xx s.

Item for a warrant to ſet off and diſcharge in Sir *Henry Fanſhawes* office. xij s.vj.d.

Item for another Writ of Aſſiſtance, v.s.vj.d

Item to the Marſhal for liberty if the Sheriſe cannot go thorow with his account in Trinity Terme, iv li,vj.s.viij d,

Item to his man, vj.s viij.d.

Item to Maſt. *Osborne* for ruling of your petitions, xl.s.

Item more to his Attorney in the ſaid office for making the petitions, v. li.

Item to his man for his pains taken therein, xl.s.

Item to the Maſter of the pipe for his fee, xiij.s. iv.d.

Item to the Controuler of the pipe for his fee, xxxv.s.

Item to his man, xxij s.

Item to your Att. of the pipe for his fee, v.li.

Item to his man, xxij s.vj.d.

Item for the acquittances of two tallies in the receit iij.s.

Item for ſtriking off thoſe tallies, iij.s.iv.d.

Item for joyning and allowing of another talley, for payment of a debt *de remanens. compoti*, v s.

Item to two Auditors for caſting up of a Sherifes account in the Court when he is to be caſt out of the Court, x s.

Item to the Baron then, xx s.

Item to his men, vii.s.

Item to the Marſhal then, vj s.viij.d.

Item to the Tipſtaves and Criers then, x s.

Item to the Clerke of the Pipe for Recuſants, xxx.s.

Item

Item for allowing and joyning of the tally for Recusants debts 6.s.

Item to the Baron for respects for Recusants debts. 30.s.

Item to the Clerk of the pipe for Recusants, for allowing of that warrant. x.s.

Item to the Master of the pipe for the same 3.s 4.d.

Item to the bag-bearer. 12.d.

Item for the *Quietus est*, to the Sheriffes Attorney of the pipe. 3.l.6.s.8.d.

Item to his man for his paines taken therein. 20.s.

Item for the *Quietus est* for the Recusants 20.s.

Cum multis aliis quæ nunc prescribere longum est. Et sic quietus est.

Summatotalis, &c.

All these sums are paid, besides all his charges and fees, which he layes out and disburseth in the yeare that he is Sheriffe, which comes to a great deal more, as experience will teach him.

A Return of Summons of Assises.

Return of Writs.

BY vertue of this precept to me directed, I made to come before the Justices under-written, at a day and place within contained, all the Writs of Assizes and Juries, certified in the County of S. underwritten, before whatsoever Justices, as wel by the divers Writs of the L. P. and M. lately King and Queen of England, as by the divers Writs of the Keepers of the Liberties of England by Authority of Parliament, together with the Panels, Attachments, Reattachments, and all other helps of Assizes, the Juries, and those Certificates what may soever concer-

ning. I have also made to come before the foresaid Justices to the Gaol of the Keepers aforesaid, of the Castle of Winch, assigned for the delivery out of prisons there, at the day aforesaid, all Prisoners in the Gaol aforesaid, being together with their Attachments, re-Attachments, and all other bulpes, those prisoners any way concerning, and of the visne of every Town and place, where the felonie for which the prisoners stand indicted, appealed or arraigned, was committed, as well within the liberties as without, twenty foure good and legal men, by whom the truth of the matter may be known, and inquired, such as are not of any affinity with the prisoners, together with four men, and the chief of the town and place of those, to do those things which then and there to them of the part of the Keepers of the Liberties of England by Authority of Parliament now shall be enjoined. Publickly also have I proclaimed through my shire, that all those who will pursue against those prisoners, that then and there they shall be as just is may be to prosecute. Also I have made known to all Coroners, Justices of Peace, Seneschals of Lords and great men, Bailies of Liberties and Hundreds of the County aforesaid: That there they be with their rolles, records, indictments, and other their memorandums, to do those things which to their offices belong, as within is commanded me.

The residue of the execution of this precept, appears in certain Schedules to this precept annexed.

R. O Esq. Sher.

And the warrants which the Sheriffe must make by vertue of this Precept for the summoning of the Assises to the Bailiffes of liberties, and Bailiffes of Hundreds, must contain in them the whole substance of this Precept, but whether it be in Latine or English, it is not material, so that it be in due forme: And it is needful that the Sheriffe keep for himself a particular note of the names of such persons as he nominateth

minateth in his warrant to be ſummoned to ſerve in the grand Jury, and not to leave it to the diſcretion of Bailiffes to put in and out whom they liſt in that ſervice.

The forme of a Warrant.

I. R*Obert O. Eſq. Sheriffe of the County aforeſaid to the Baily of the Liberty of C. or the Baily of the Hundred of A. greeting. By vertue of a certain precept directed to me, I require thee that thou cauſe to come before L.T. and L.H. Juſtices of Aſſiſe in the County aforeſaid, to the Aſſiſes at the Caſtle of* Winch. *the tenth day of Auguſt next to be held, ſeveral perſons under written, to do thoſe things, which then and of the part of the Keepers of the Liberties of* England *now, ſhall be to them enjoyned Publickly alſo Proclamation make thou, thy whole bailiwick through, that all thoſe who will purſue againſt the priſoners in the Gaol of the Keepers of the Liberties of* England, *and of the County aforeſaid, be there againſt them as juſt it ſhall be to proſecute; Alſo known make to all Coroners, Juſticers of Peace, ſeneſchals of Lords and great men that then there they be with their Rolls, Records, Indictments, and other memorandums, to do thoſe things which to their ſeveral Offices belong, And that thou thy ſelf beeſt then there, to do all thoſe things which to thy office belong, together with this precept under the peril incumbent. Given under the Seal of my office ſuch a day and year, &c.* R.O. Eſq. Sher;

Then here at the end of the Warrant under, the Sheriffe muſt ſet down the names and dwelling places of ſuch as he will have warned to ſerve in the grand Jury in particular, and keep a note of them, that he may be able to ſhew to the Court, if need ſhall require, who he had determined to have returned for that ſervice if they had come, and if the fault fall out to be in the Bailiffe, then he ſhall be puniſhed, and the Sheriffe excuſed.

Return of Summons to the Sessions of peace.

BY vertue of this Writ to me directed, I have caused to come before the Justices underwritten at the Castle of Winch. *&c. within specified, the day, year and place within contained all Constables and Bailies of Hundreds within the County specified, also from every of the said Liberties and Hundreds, twenty foure Furors to do those things which of the part of the Keepers of the Liberties of* England *to them then and there shall be enjoyned. And also I have made known to all Constables, Bailies of Hundreds of the County within written, that then there they be, having with them all the names of Arrificers, Labourers and servant in Husbandry, within the Hundreds aforesaid, against the forme of the Statute thereupon put forth and provided, And moreover sufficient proclamation within my Shire have I made, that all those, who as well for the Keepers of the Liberties of* England, *&c. as for themselves, against such like Artificers, Labourers and servants any complaints against the forme of the Statute and Ordinance aforesaid, will complain or prosecute, that then there they be, their Bills to prosecute, and justice there to undergo, if they see it expedient for them; as within to me is commanded.*

R. O Esq. Sher.

The Warrant must begin in the same forme as the other, *that to come you cause before the Justices of the publick peace in the County aforesaid at, &c. all Constables, &c.* according to the substance of the matter contained in the Writ, and to conclude it as the other is concluded.

The Return of this Writ is sometimes thus.

THe execution of this Writ appears in certain Pannels to this Writ joyned or annexed. *R. O. Esq. Sher.*

Return

Return of the Writ Original in debt or treſpaſſe, if the defendant be inſufficient.

Pledge of proſec. [I Doo. R. Roo.

The within named H. B. *and* C. D. and if there be more defendants then two, then you muſt name but one, *and the reſt of the defendants within named, nothing have within my ſhire, by which they may be ſummoned,* if it be debt, but if it be in treſpaſſe, then it muſt be *by which they may be attached,* or *we may be,* if it be but againſt one defendant.

R. O. Eſq Sher.

Return of *Capias al.* and *plur.*

THe within named A. B. *is not found in my Shire. (And if there be three then let it be) And the reſt of the defendants within named are not found in my Shire.*

R. O. Eſq. Sher.

Return of Exigent.

BY vertue of this Writ, directed to me at my County held at the Caſtle of Winch. *in the County of S. within written,* Munday, *&c. viz. the twentieth day of* I. *the yeare, &c. within written* I. C. *and the reſt of the defendants within named, (if there be above two) firſt were exacted and appeared not, At my* County *of* S. *there held on* Munday, *viz. the twentieth day of* A. *the yeare aforeſaid, the aforeſaid* I. C. *and the reſt of the defendants within named the ſecond time*

were exacted and appeared not, At my County of S. there held, on Munday, viz. the tenth day of S. the year aforesaid, the aforesaid I.C. and the other defendant within named, the third time were exacted and appeared not, At my County of S. there held. viz. the twelfth day of O. the year aforesaid, the aforesaid I. C. and the rest of the defen. within named, the fourth time were exacted and appeared not, And at my County of S there held on Munday, viz. the third day of N aforesaid, the aforesaid I.C. and the rest of the defendants within named, the fifth time exacted were and appeared not, therefore I.C. and the rest of the defendants within named by judgement of I.VV. and VV R. gent. Coroners of the Commonwealth of the County aforesaid, according to Law and Custom of the Commonwealth of England outlawed are, and every of them is outlawed.

R.O.Esq.Sher.

Return of the Writ of Exigent with superfed.

BY vertue, &c. at my County of S. there held on Munday viz. the twentieth day of A. the year aforesaid, the aforesaid I C. was the fourth time exacted and brought to me the Writ of the Keepers of the Liberties of England, &c. of superfed. and it is to this Writ annexed For which to the farther executing this Writ I have superfeded all together, as to me in this Writ is commanded.

R.O.Esq.Sher.

Return of the Writ of Exigent where one renders himself, and all the others appear not.

BY vertue, &c. at my County of South. there held on Munday, viz. the tenth day of A. aforesaid, the aforesaid I.C. and the rest of the defendants within named the fifth time exacted were, at which day the aforesaid I. C. appeared,

appeared, and himself rendred to the prison of the Keepers of the Liberties of England, *of the Castle of* Winch. *whose body before the Justices within written, at the day and place within contained ready I have, as within to me is commanded, but the rest of the defendants within named appeared not, therefore, &c. as above.*

He that has rendred himself, languishes in prison.

AT my Court, &c. the aforesaid I. B. *has appeared, and rendred himself to the prison of the Keepers of the Liberties of* England *of the Castle of* Winch. *within the County of S. aforesaid, and in the same prison now remains languishing, by divers infirmities withheld, so that, because of the weakness of his body and danger of death he cannot be carried, and therefore the body of* I. B. *aforesaid, before the Justices within written at the day and place within contained, for the present have I cannot, according to the form of this Writ.*

Return of the Exigent, where one renders himself, another brings a Supersed. the third is dead, and the fourth waved.

BY vertue, &c. at my County of S. therein held, on Munday, viz. the tenth day of A. the year aforesaid, I. H. R. S. A. C. *and* D. P. *were the fifth time exacted, and the aforesaid* R. S. *rendred himself to the prison of the Keepers of the Liberties of* England, *&c. of the Castle of* Winch. *in the County aforesaid, whose body before the Justices within written, at the day and place within contained ready I have to do that which the Writ aforesaid demands and requires, and the aforesaid* D. P. *brought me the Writ, &c. of Supersed. annexed to this Writ, so that as to him further proceed I could not, and the aforesaid* I. H. *dead is, and the aforesaid* A. C. *waved. Therefore by the judgement of* L. W. *and* W. R. *Coroners of, &c. of the County aforesaid, the aforesaid* I. H. *is outlawed, and* A. C. *waved,* R. O. *Esq Sher.*

Return of allowance.

THere were allowed to him foure days, at which the within named T.C. exacted was and appeared not, and further by vertue of this Writ at my County held at the Caſtle of Winch. in the County of S. within written Munday, viz. the eight day of N. the year, &c. the aforeſaid D. the fifth time exacted was, and appeared not, Therefore by judgement, &c. as above, he is outlawed.

Return of Exigent betwixt two Sheriffes.

BY vertue of this Writ to me directed as my Court of S. held at the Caſtle of Winch. on Munday, viz. the tenth day of A. the year, &c. the within named R.K. exacted was and appeared. R.O. Eſq. Sher.

This Writ as yt is indorſed, to me was delivered by R.O. Eſq. Sher. of the County within written, my next predeceſſor in the end of his office, and at my County of South. held at the Caſtle of Winch. aforeſaid, in the County aforeſaid on Munday, viz. the tenth day of D. the year aforeſaid, the aforeſaid R.K. the ſecond time exacted was, and appeared not &c. as above.

And if there want Coroners at the Count to give Judgement, Then the Sheriffe ſhall return his Writs thus: I. S. that becauſe of want of I.W. and R.W. Coroners of the Commonwealth of the County aforeſaid, further proceed he could not and then upon this return, the Coroners will be fined for every Writ, unleſſe they can make a good excuſe. R.O. Eſq. Sher.

Return of the Writ of Proclamation.

BY vertue of this Writ to me directed as my County of South. held at the Caſtle of Winch. in the County of South. within written, the twenty one day of March the yeer,

yeare, &c. within written, to be proclaimed I caused, and as the most usual door of the Church of B. within written, on Sunday, viz. the tenth day of April, the yeare, &c. immediately after divine service no Sermon in the same Church then and there being, one moneth at least before the said W. the fifth time exacted was, to be proclaimed I caused, and at the generall Session of the peace held at the Castle of Winch. aforesaid, in the County aforesaid the thirteenth day of May the yeare aboresaid in the parts of B. aforesaid, again I caused to be proclaimed, that the within named B. should render himself to me, as within to me is commanded.

Rich. M. Kn. Sher.

Return of the VVrit of *Capias utlag.* betwixt two Sheriffes.

BEfore the coming of this Writ I M Esq. lately Sher. of the County of S. took the within named T. D. and in the prison of the Keepers of the Liberties of England of the Castle of VVinch. in the County of S. aforesaid in his custody detained, by vertue of a certain Writ of capias utl. to the said late Sheriffe directed, which T. D the said late Sheriffe together with the said Writ, to me I. D. Knight, now Sheriffe of the County of S. aforesaid delivered, whose body with the Writ aforesaid, I the aforesaid now Sheriffe, before the Justices within written, at the day and place within contained ready have, to do and receive what the said writ shall demand and require.

R. O. Esq Sher.

Return of the Original VVrit in partition.

Pledges of prof. { Joh. Den. / Rich. Fen.

Sum. of the within named *K B.* { *VV. H.* / *I. F.* and E. his wife.

R. O. Esq. Sher.

Return

Return of the Original Writ in Covenant.

Pledges of prof. { I. Doo. R. Roo.

Sum. of the within named { I. P. Den. Fen.

R. O. Esq. Sher.

Return. of Sum. in dower.

Pledg. of profec. { I. Doo. R. Roo.

Sum. of the within named { I. H. I. W. W. D.

And at the Church Parochial of P. where the within named A. B. &c. on Sunday, viz. the fourth day of July, the year within written, immediately after divine service no sermon then being publickly, I caused to be proclaimed according to the forme of the Statute, as the Writ demands and requires. R. O. *Esq. Sher.*

Return of Summons in waste.

Pledges of prof. { John Doo. Richard Roo.

Sum. of the within named { I. P. William Fen. Richard Den.

And further I R. O. Esq. *Sher. of the County within written, to the Justices within written certifie, that after summons aforesaid, viz. the tenth day of A. the year within written being Sunday after divine service, in the Church Parochial of B. within written, no sermon then there being,*

at

at the most usual door of the Church Parochial, within which parish the tenements within written lie and are, I caused the sum. aforesaid to be proclaimed according to the form of the Statute in that case set forth and provided.

R.O. Esq. Sher.

Return of the Pone.

Pledges to prof. { Joh. Den. / Rich Fen.

The within named *A.B.* is attached by his pledges, *viz.* { Joh. Den. / Rich. Fen.

Return of the Petit Cape in Dower.

By vertue, &c. such day and year I took into the hands of the Keepers of the Liberties of England *within written, the third part of the tenements within specified, with the appurtenances, as within is to me commanded.*

Return of the Writ of view in Dower.

To the Justices within written, I certifie that by vertue of this Writ to me directed, I made the within named A.B. to have the view of the third part of the tenements within specified, in presence of N.C. R.D. W.B. and C.D. four Knights who were present at the view, and further I certifie which I said, that the foure Knights aforesaid be before the Justices within written at the day and place within contained, to testifie that view as by the Writ aforesaid to me was commanded.

R.O. Esq. Sher.

Return

Return of the Summons of Assize.

Pledges of prof. { I. Deo. / R. Roo.

The within named W. L. *has nothing in my Shire by which he may be attached, nor is he found in it.*

Otherwise where he is attached.

The within named W. L. *attached is by one Cow of the price of* 30. s.

If the partie appear not, his Cow is forfeit, and the Sheriffe shall be answerable for the value, and therefore he had need, either to keep the goods attached, or else to have security to be saved harmlesse therein.

The residue of the Execution of this Writ, appears in a certain Panell to this Writ annexed.

R. O. Esq.

The names of the recognitors of Assize of Novel disseisin, betwixt M. C. *Plaintife, and* T. C. *tenant* A. B. C. D.

M. of the sum. recognitors aforesaid, and every of them { I. H. / R. S.

Return of summons of a Knight of the Parliament.

By vertue of this Writ to me directed, sum. I have made to A. B. Knight, one of the Knights of my County girt with a Sword by B. T. *and* C. R. *that he be before the Justices within written, at the day and place within contained, as this Writ demands and requires.*

B. P. Kn. Sher.

Re-

1. Return of Summons of Parliament.

The Execution of this Writ appears in certain Indentures to this Writ annexed.

The within named { John Doe. / Richard Roe. }
A. B.
Issues —— 20.s.

F. P. K. N. Sher.

Return of summons in attaint.

Pledges of prof. { John Den. / Richard Fen. }

Sum. of the within named { I. N. / John Den. / Richard Fen. }

The residue of the Execution of this Writ appears in a certain panel to this Writ annexed.

R. O. Esq. Sher.

The names of twenty and foure Knights.
Richard M. of M. Esquire.
T. B. of A. Esq. &c.

Summons of the Jurors aforesaid { H. H. / S. S. }

Names of the Jurors of the first Inquest in the Writ to this Panel annexed specifies.

E. M. gent.
H. E. gent. &c.

Pledges of the aforesaid Jury of the first Inquest. { Tho Pit. / Will. Fit. }

Return of resummon.

The execution of this Writ appears in a certain scedule to this Writ annexed.

R O. Esq. Sher.

The

The names of the Furors of the Fury of twenty foure Knights, of whom in the Writ to this Schedule annexed mention is made.

B.M. of N. Esq.
T.B. of M. Esq.

Every of the Furors of the Fury of twenty foure Knights aforesaid, severally returned, is, by H.R. *and* M.N. *good sum.*

R.O Esq. Sher.

Return of Accedas ad Curiam.

By vertue of this Writ to me directed, in forme within written, I came to the Court within written, and in that full Court caused to be recorded the plea within written. And that record, as it appears in a Schedule to this Writ annexed, I have before the Justices within written, at the day and place within contained, under my Seale, and the Seals of I.B. *&c. foure good and lawful men of my shire of whom who were present at that record, and to the parties, within written, that day have I prefixed, that then there they be, in that plea as just it shall be to prosecute, as within is to me commanded.*

The stile of the Court of Alton.

The Court of Richard T. *Knight, &c, there held the thirtieth day of* March *the year &c.*

I.S. *plaines against* W.W. *of a plea of taking, and unjust detinue of his cattel.*

The Bailifes return of his Warrant to the Sheriffe.

By vertue of this Precept to me directed, taking with me R.S *&c. foure discreet Knights of the Hundred of* A. *aforesaid, I came to the Court of* R.T. *Knight, and caused*

to be recorded the plea, which is in the same Court betwixt I.S. Plaintife, and W.W. defendant. And that Record par. I have under my seal, and the seals of the aforesaid foure Knights of that Court, of them who at that Record were, and to the parties aforesaid that day I prefixed, as to me commanded was; In testimony of which matter, as well I R.F. Bailiff of the Hundred aforesaid, as the aforesaid R.S. &c. foure legal Knights of the Hundred present, our Seals have put to.

R O. Esq. Sher.

Return of Recordare.

By vertue of this Writ to me directed, in my full County held at the Castle of Winch. in the County of Southampt. within written, such day and year, to be recorded I caused the plea, of which within is made mention, which plea appears in a certain schedule to this Writ annexed, and that record I have before the Justices within written, at the day and place within contained, under my seal, and the seals of W.H.E.R. &c. foure good and legal Knights of the same County, of them who at that Record present were, and to the parties within written that day I have prefixed, there in that plea, as just it shall be to prosec. as within to me is commanded.

The residue of the execution of this Writ appears in a certain schedule to this writ annexed.

R.S plaines against T. E. of a plea of taking, and unjust detinue of his cattel.

R O. Esq, Sher.

Return of Fieri feci upon fieri fac.

By vertue of this Writ to me directed, I have made executions of the goods and chattels of the within named I.H. of a certain demise and grant to the same I.H. by a certain T G. Gent. by his Indenture made for the term of thirty one years, to begin from the first day of July the year &c. within

in written, as by the Indenture bearing date the same day and year, more fully is manifest, and appears, of one Messuage or farm with the appurtenances situate lying and being in L. in the parish of F. within my Shire, called or known by the name of B. together with all and singular Lands, Medowes, Pastures, woods, underwoods wayers &c. with all their appurtenances, scituate lying and being within the Village of the Parish and fields of F. aforesaid and O. viz. in my Shire, And the aforesaid demise, and all and the whole right, state, title, term of years, possession and demand which the said I. H. now has, of and in the aforesaid premisses, by vertue or vigor of the same demise and grant, or otherwise to sale I have exposed and sold to a certain P. H. gent. for the sum of seventy six pounds thirteen shillings four pence and also I have made execution of the other goods and chattels of the aforesaid I. H. to the value of sixty five pounds six shillings eight pence, which sums of moneys so in form aforesaid by me levied, in the whole amount to the sum of one hundred thirty two pounds twelve shillings, and those sums before the Keepers of the Liberties of England, &c. at the day and place within contained I have ready, to render to the within named E. P. and I his wife, in part of satisfaction of their losses within written, as by this writ within to me is commanded, and that the aforesaid I. H. no other or more goods or chattels in my Shire has, whence the residue of the aforesaid debt of one hundred sixty five pounds six shillings two pence, raise or levie I may, according to the Exigens of this writ.

R. O. Esq. Sher.

Otherwise upon Nihil haber.

The within named R. B. Knight, no goods or chattels Lands or Tenements, has in my Shire, whence the monys within specified levie I may, as within to me is commanded.

R. O. Esq. Sher,

Otherwise

Otherwise upon *Fieri fac.* execution, and to sale he has exposed.

BY vertue of this Writ to me directed, I have levied of the Goods and Chattels, Lands and Tenements of the beneath named R.B. to the value of two hundred pounds, and those from day to day to sale have I exposed, and thence sold to the value of one hundred pounds, which one hundred pounds at the day and place within in contained ready I have to render to the beneath named I. W. *as within to me is commanded, and the residue of the goods and chattels aforesaid, are yet in my hands, remaining for default of buyers.*

R.O. Esq. Sher.

Return of Tarde.

This Writ so lately to me delivered was, so that because of shortnesse of time, execute it I could not, as this Writ wills and requires.

R O. Esq Sher.

Return special upon *Habeas Corpus.*

I R. O. *Esq. Sher. of the County of S. to the Keepers of the Liberties of* England, &c. *as the day and place in this Writ to this schedule annexed, contained certifie, that before the coming of this Writ A.O. in the said Writ named was taken within the County aforesaid by W. A. Esq. lately Sher. of the County aforesaid, and in the prison, &c. of the Castle of Winch. in the County aforesaid, safely under the custody of the same lately Sher. detained, by vertue of a certain Writ of the said Keepers of the liberties of* England *of Capi against the said A. gent. witness at Westminster.*

the nineth day of Oct. the yeer, &c. and return before the Justices of the common Bench at West. the day of Saint Martin fifteen dayes then next following, to satisfie T.D. Gent as well of a certain debt of fourty pounds, as of thirty shillings for damages, of which the same A. before the Justices at West. convict was. The body of which A. so taken and in prison aforesaid, under the custody of the said Lately Sher. for that occasion being determined I the aforesaid R O now Sher. of the County aforesaid received of the aforesaid lately Sher. in his going out of his office, and his body, by me of the aforesaid lately Sher. So received in prison aforesaid, safely to be kept have I caused until after, viz. the tenth day of December the yeer, &c. I received a certain writ of the said Keepers, &c. of Supersedeas to me directed; the tenour of which writ follows in these words. The Keeper, &c. by vertue of which writ of Supers. because there was not any other cause to detain the aforesaid A the said A. to go at large I suffered, The said writ of Capias ad satisfaciendum notwithstanding, as by the said writ of Supersedeas to me thence was commanded, Therefore the body of the said A. before the Keepers at the day and place, in the said writ to this schedule annexed contained, ready to have I cannot, as the same writ wills and requires.

R.O Esq. Sher.

Otherwise.

Before the coming of this writ to me directed, the within named H.H. committed was, to the Gaol of the Keepers of the Liberties of England, &c of the Castle of Winch. in the County within written, under my custody, by vertue of a certain Warrant of I.C. and I.W. two of the Justices of the peace publick in the County aforesaid to keep, as also diverse

divers Felonies, Trespasses, and other misdeeds in the same County committed to hear and determine assigned, bearing date the third day of A. the year within written, for certain trespasses and contempts against the forme of the Statute for punishment of Vagabonds, and for the poor and impotent set forth, and this is the cause of taking and detaining the said H. yet the body of the said H. at the day and place within contained, ready I have as within to me is commanded.

R O. Esq. Sher.

Otherwise:

I R. O. Esq. Sher. of the County of S. to the Justices within written certifie, that the bodies of R T. and the rest of the defendants within named, by me not taken were, but by W. V. Esq. lately Sher. of the County aforesaid, my predecessor, and to me by him not delivered to the going out of his office. Therefore the bodies of them before the Justices within written, as the day and place within contained have I cannot, as within to me is commanded.

R O. Esq Sher.

Otherwise upon languishing.

TO the Justices within written I certifie, that the within named I. B. so languishes in the prison of the Keepers of the Liberties of England, &c. of the Castle of Winch. in the County of South, by divers infirmities withheld, That because of weakenesse of his body, and danger of death, him safely remove I cannot, therefore his body before the Justices within written, as the day and place within contained, for the presents have I cannot, according to the form of this writ.

R. O. Esq. Sher.

Otherwise.

I R.O Esq. Sher. of the County of S. to the Keepers of the Liberties of England &c certifie that the body of the within named R.T. lies under my safe custody in execution at the suit of T.B. for 100 l. ret. before the Justices, &c. at Westminster, from the day of Saint Michael one moneth, therefore his body at the day and place within contained have I ready, as within to me is commanded.

R.O.Esq Sher.

Return of *I.* have required the Baily of the Libertie.

BY vertue of this Writto me directed, I have required the Baily of the Liberty of Thomas Bysbop of Winch. to take and arrest the within named I.S. in some within written, who has the full return of all Writs and Precepts, and the executions of them within the Liberty aforesaid, And that no execution of this Writ by me can be made within that liberty aforesaid, which Baily no answer to me as yet has given, or thus, who me answered, that the within named I.S. is not found in his Bailiwick, or thus, that he took the body of the within named I S whose body at the day and place within contained, ready he has, to do all those things which this Writ does will and require.

R.O Esq Sher.

Return of the Writ of Restitution.

BY vertue of this Writ to me directed such day and year, &c. within written, the tenements within written, with their appurtenances I have reseised, and to the within named T. and H. full possession and seisin thereupon restored, as within to me is commanded.

R O Esq. Sher:

Return

Return of *Habere fac.* poſſeſſion with *Fieri fac.*

BY vertue of this writ to me directed the twenty fourth day of May the year within written I cauſed to have to the within named *H.H.* the poſſeſſion of his term within written, with the appurtenances; And alſo I have cauſed execution to be made of the goods and chattels of the within named *W.W.* twenty ſhillings parcel of the damages within ſpecified, and thoſe moneys I have before the Juſtices within written, at the day and place within contained, to render to the aforeſaid *H.H.* as within to me is commanded.

R.O. Eſq. Sher.

Return of Writ of ſeiſin.

BY vertue of this Writ to me directed the twenty ſixth day of *O.* the year within written, I cauſed to have to the within named *N.S* plenary ſeiſin of and in the tenements within ſpecified, as within to me is commanded.

R.O. Eſq. Sher.

Return of Writ of ſeiſin in Dower.

The Execution of this Writ appears in a certain Schedule to this writ annexed.

TO the Juſtices of the Common Bench I certifie, that by vertue of the Writ of the Keepers of the Liberties of England to me directed, and to this ſchedule annexed the tenth day of *A.* the year, &c. I cauſed to have to *P.B.* widow in the Writ aforeſaid, named, plenary ſeiſin of the third part of the manor of *B.* with the appurtenances in the ſame Writ ſpecified, viz. of one Hall and Kitchen of two ſpares

ſpares in the tenure of the ſaid I. with free ingreſſe and regreſs to and from the ſame, alſo the upper part of the Manſion houſe to the tenure of E.C. from the entrance toward the South, and of one Cloſe ſeveral, called H. containing by eſtimation five acres, and of foure acres of paſture lying on the North end of one Cloſe called B. and one acre of paſture called C. in the writ aforeſaid ſpecified, to be held by the aforeſaid P.B. in ſeveral by metes and bounds, in name of the whole dower of the ſame P. to her P. contingent of the whole Manner in the ſame writ ſpecified, as by the writ aforeſaid to me is commanded.

R O. Eſq. Sher.

Return of Venire fac.

The Execution of this writ appears in a certain Panel to this writ annexed.

R. O. Eſq. Sher.

The panel *A.B. of E. Gent. and ſo twenty three others. Every Juror aforeſaid by himſelf ſeverally attachis by pledges.* John Doo. Rich. Roo.

R. O. Eſq. Sher.

Return of diſtreſs, of Jur.

The Execution of this Writ appears in a certain Panel to this Writ annexed.

The panel. *M. of the Jurors aforeſaid, and every of them.* John Doo. Rich. Roo.

The iſſues of every of them —— 10. s.

F. O. Eſq. Sher.

Return

Return of *Cap. ad sat.*

BY vertue of this writ to me directed, I took the body of the within named A. B. whose body before the Justices within written, or before the Keepers of the Liberties of England *by authority of Parliament, in the Upper Bench at the day and place within contained ready I have, to satisfie the within named C. D. of the debt and damages within specified, as within to me is commanded.*

R O. Esq. Sher.

Return of Elegit.

The Execution of this writ appears in a certain Inquisition to this writ annexed.

AN Inquisition by Indenture taken at B. in the County aforesaid, the tenth day of / the year &c. before me R O. *Esq. Sher. of the County aforesaid, By vertue of the writ of the Keepers of the Liberties of* England *to me directed and to this Inquisition annexed. By the Oath of T. B. &c. (and so on to twelve more at least) who say on their oath that B. C. in the writ aforesaid, named such a day and year, &c. was seised in his demesne as of fee, of and in one messuage called, &c. with the appurtenances, lying and being in the City of* Winch. *aforesaid, now in the occupation of A. G. widow of the clear yearly value in all issues over and above the reprises fourty shillings. And also of and in one g rden with the appurtenances, called, &c. in the City and County aforesaid, of the clear yearly value in all issues over and above the reprises of twenty shillings, and also of and in one other messuage with the appurtenances in the County and City aforesaid, scituate lying and being near the Church there, called Saint* Clements *Church, lately the land of a certain B. A. deceased, now in the occupation*

of B.C. or his assignes, together with all the gardens and edifices to the same Messuage belonging or appertaining of the clear yearly value in all issues over and above the reprises of five pounds, And also of and in one other Messuage called, &c. in the City and County aforesaid, in the tenure of the aforesaid B.C. of the clear yearly value in all issues over and above the reprises of ten shillings, which all and singular the aforesaid B.C. lately purchased to him and his heirs of certain N.S. and A.L. his wife, one of the daughters of E. cobeir of the said R.A. which Messuage in the tenure of the aforesaid B.C. together with a garden to the same Messuage lying and belonging, with all and singular the appurtenances, for the moiety of all the lands and tenements aforesaid, I the aforesaid Sher. have caused to be delivered to R.S. in the Writ aforesaid named, to be held to him and his assignes, according to the form of the Statute thence provided as his frank-tenement, until his debt of one hundred pounds together with his damages in the Writ aforesaid mentioned, fully thence be shall have levied, as the Writ aforesaid wills and requires. And further the Jurors aforesaid on their Oath aforesaid say, that the aforesaid B.C. no other or more has, or after the recognisance of the debt aforesaid, had goods or chattels, Lands or Tenements in the County aforesaid, within their knowledge. In testimony of which, as well I the aforesaid Sher. as the Jurors aforesaid to this Inquisition, our seals alternately have put the day of A. and place above said, &c.

R.O. Esq Sher.

Return of an Extent.

BY vertue of this writ to me directed, I have taken the body of the within named W. W. whose body in the

the day and place within contained ready I have as within to me is commanded.

The residue of the Execution of this Writ appears in a certain Inquisition to this Writ annexed.

R. O. Esq. Sher.

AN Inquisition by Indenture taken at the City of Winchester in the County aforesaid, the twelfth day of January, the year, &c. before me R. O. Esq. Sher. of the County aforesaid, By vertue of a Writ of the Keepers of the Liberties of England by Authority of Parliament to me directed, and to this Inquisition annexed by Oath of T. B. &c. (as above) who say upon their Oath, that W. W. in the Writ aforesaid, named the day of the recognisance of the debt in the same Writ specified, was seised in his demesne as of fee, of and in the manour of A. in the County aforesaid, of the clear yearly value in all issues, over and above the reprises 100 l. and of and in the manour of C. in the County aforesaid, of the clear yearly value in all issues over and above the reprises 100 l. and further, the Jurors aforesaid, on their Oath aforesaid say, that the aforesaid W. W. the day of the recognisance of the debt aforesaid, or at any time after no goods or chattels had, nor other or more lands or tenements in the County aforesaid, within their knowledge, which extended, apprized, or into the hands of the said Keepers taken or seised may be, which Mannors, Lands, and Tenements aforesaid with the appurtenances, I the aforesaid Sher. the day of the taking of this Inquisition took into the hands of the said Keepers, by extent aforesaid. In testimony of which as well I the aforesaid Sher. as the Jurors aforesaid to this Inquisition, our Seals alternately have put, the day, year, and place above-said, &c.

R. O. Esq. Sher.

Return

Return of a Recognisance out of the Chancery.

The Execution of this Writ appears in a certain Inquisition to this Writ annexed.

AN Inquisition, &c. as above, who say upon their Oath that E. M. in the Writ aforesaid named, the day of the taking this Inquisition, was possessed of divers goods and chattels following, viz. of Rye to the value of ten shillings, of barley to the value, &c. and of certain houshold-stuffe, to the value, &c. which goods and chattels I the aforesaid Sheriffe have caused to be delivered to the aforesaid R. by precept aforesaid, as by the Writ aforesaid to me was commanded. And further, the Jurors aforesaid on their Oath aforesaid say, that the aforesaid E. the day of the Recognisance of the debt in the same writ specified, or at any time after, no other or more had goods or chattels, lands or tenements in the County aforesaid, which to the same R. W. in the same writ named, cause to be delivered I may. In testimony of which, &c. as above.

R. O. Esq. Sher.

Return of Writ of Waste.

The Execution of this Writ appears in a certain Inquisition to this Writ annexed.

AN Inquisition, &c. who say on their Oath aforesaid, that H. A. and I. his wife in the same Writ named, have made waste, sale and destruction in all things in that Writ specified, viz. by suffering one Hall of the price of 30. s. two Chambers of the price of 3. l. one Stable of the price of twenty shillings, to be uncovered for default of reparation of the same houses, & by tempests with rain upon them descending became

became rotten and corrupt, &c. against the forme of the provision in the same Writ contained. And further, the said Furors on their Oath aforesaid say, that the aforesaid A. and I. no other nor more waste, sale or destruction have made, in the houses aforesaid. In testimony of which, &c. as above.

R. O. Esq. Sher.

Return of the Writ to enquire of damages in Dower, where the Tenant died, seiled.

The Execution, &c. as aforesaid.

AN Inquisition, &c. who say on their Oath, that the within named W. K. the fifth day of January, the year, &c. at K. in the County aforesaid died, seised in his demesne as of fee, of and in the tenements within specified, and that the Tenements aforesaid, are of the clear yearly value in all issues over and above the reprises of 20. s. And that six years and three quarters of one year are passed, from the time of the death of W. K. aforesaid, And that the within named I. D. has sustained damages by occasion of her dower within specified, to the value of ten pounds. In testimony of which, &c. as above.

R O. Esq. Sher.

Otherwise in Trespas.

The Execution as above.

AN Inquisition, &c. who say on their Oath that W. B. in the same Writ named, sustained damages in the same Writ specified, and for mises and his Costs by him about his suit in that part were set twenty shillings. In Testimony of which, &c. South.

R. O. Esq. Sher.

Return

Return of *Scire fac. ſcire fec.*

BY vertue of this Writ to me directed by A.B and C.D. good and lawful men of my Shire, I have made to know to A.D. that he be before the Juſtices of the Common bench, or before the Keepers of the Liberties of England &c. or before the Barons of the Exchequer at the day and place within contained, to ſhew and propound, if what for himſelf he has or to ſay knows why &c. (according to the matter contained in the VVrit,) As within to me is commanded.

R.O. Eſq. Sher.

Return of *Nihil* upon *Scire fac.*

The within named A.B has nothing in my Shire, by which him I might make know, nor is he found in it.

Return of *Deveſtavit* againſt exec.

BY vertue of this writ to me directed, I have taken into my hands divers goods and chattels, which were to H.S. at the time of his death, in the hands of the within named R.O. and K. his wife exec. of the Teſtament of the aforeſaid H. to be adminiſtred, being to the value of thirty ſeven pounds parcel of the debt within written, which goods and chattels remain in my cuſtody for default of buyers, and further to the Juſtices within written, I certifie, that the aforeſaid R. O. and K. divers goods and chattels which were to the ſaid H. at the time of his death, to the value of the reſidue of the debt, and the damages within ſpecified, ſold

sold and wasted, and the monys thence arising to their proper uses converted, so that the residue of the debt and damages within specified, of the goods and chattels of the same R. S. levie or execute I cannot, And further to the Justices aforesaid I certifie, that the aforesaid R. O. and K. his wife, no goods have or chattels of their goods, and chattels proper, within my Shire, whence the residue of the debt and the damages within specified, or any parcel thence execute I may, as within to me is commanded.

Return of Replevin upon return to be had of the beasts.

BY vertue of this VVrit to me directed, to be delivered. I have caused, to the within named I. B. the beasts, which T. M. took, and to the same T. M. in the Court of the Common Bench adjudged were, as within to me is commanded.

R. O. Esq; Sher.

Return of beasts eloigned upon second deliverence.

Before the coming of this writ, the beasts within written, by the within named T. C. eloigned were to places to me unknown, so that the view of them to the within named H. and T. to be returned have I could not, as within to me is commanded.

R. O. Esq; Sher.

Return of *Withernam.*

BY vertue of this writ I took two pots brazen, two shillets brazen, &c. of the goods and chattels of I. S. in this writ named in Withernam, and those to W. B. to be delivered I have caused, to be had to the same W. B. until the aforesaid I. B. the beasts of the aforesaid W. B. deliver will, as this writ wills and requires: and further to you I certifie,

certifie, that the aforesaid I. H. in this writ named no other goods has, nor chattels which in Withernam taken may be, or by which he attached be may according to the tenor of this Writ.

R. O Esq. Sher.

Return of the writ of Collect. of the 15. and 10. out of the Exchequer.

BY vertue of this writ to me directed, to know I have caused to the within named A. B. And also those things which of the part of the Keepers of the Liberties of England are to be done. I have given in command to the said A. B. concerning the levying and collection of the six Quisimes and Disme of six whole Quisimes and Dismes within written, and an obligation according to the forme of the statute within written to the aforesaid A. B. to be showen have caused by him of the part of the said Keepers to be sealed, and as his deed to the use of the said Keepers to be delivered, viz. I gave in command but the aforesaid A. B altogether it to seal, or about the collection aforesaid to intermeddle, refused; and yet refuses in contempt of the said Keepers, therefore the said Obligation as the day and place within contained, have I cannot, as within to me is commanded. And therefore I certifie that to know I have caused to the within named C. D. that he about the levying and collection of the said sixth Quisime and Disme of the aforesaid six whole Quisime and Dismes within written diligently do intend, and an obligation according to the forme of the Statute within written from the same C. D. have I received, and the same in the Exchequer, &c. at the day within contained I certifie, as within to me is commanded.

R. O. Esq Sher.

The

The return of a Wood-writ in the Exchequer.

TO the Barons within written I certifie, that P.M. L.S. & T.W. in the schedule to this Writ annexed, named no goods have, or Chattels, Lands or Tenements within my shire, whence the several debts upon them, and every of them imposed levie I may, but by vertue of this Writ to me directed, I have levied of the goods and chattels of H.L. T.K. and I.B. in the said scedule named, the several sums upon them and every of them charged, and those monies before the Barons within written, at the day and place within contained ready I have, as within to me is commanded. And further I certifie that I.B. E.A. and W.B. in the said scedule named, have alledged, that they have wherewith to exonerate the actions for the several sums upon them and every of them charged, and for this have I taken of them sufficient surety, and have prefixed them a day of being here at the Exchequer within written, at the day and place within contained, as within to me is commanded.

R.O. Esq. Sher.

Return of the writ of Respit of Homage o'th' Distringas in the Exchequer.

M. of the within named } I. Doo.
A. B. } Rich. Roo.

Issues ——— ——— ——— xx.s. Or according to the value of the Land more or less.

R.O. Esq. Sher.

Return

Return of Seisure in the *Exchequer* in name of distresse.

BY vertue of this Writ to me directed the twentieth day of March this year, &c. within written fifteenth, into the hands of the Keepers of the Liberties of England, &c the manor of S. within written, with the appurtenances in S. in the County aforesaid, which manor is of the clear yearly value in all issues over and about the reprise of twenty pounds of the land of P.B. in the schedule to this writ annexed named. I have taken also into the hands of the said Keepers one gun called a Petronel, with the stuff and touch box of the value of six shillings, in name of distresse of the goods and chattels of I.G. in the schedule aforesaid, named in this Writ within our required, &c.

R.O. Esq. Sher.

Otherwise where *Nihil* is returned.

TO the Baron within written I certifie, that A.B.C.D. and the other persons in certain schedules to this writ annexed named, no goods have or chattels within my Shire, whence the several debts upon them charged, or any parcel thence levie I may, nor are they found, nor of them is any found in my Shire, nor are they any Executors of the Testament, or last Will of the aforesaid several persons, nor administrators of the goods and chattels which theirs were, nor any heires or tenants of lands of the aforesaid several persons or of any of them within my Shire, which I might distrain, as that writ wills and requires.

The residue of the Execution of this writ appears in a certain Inquisition to this writ annexed.

R.O. Esq. Sher.

Nihil

Nihil return.

AN Inquisition by Indenture, &c. who say on their Oath that A B C D. &c. in the Schedule to this writ annexed named, several dayes and years in which first debtors they became to the Keepers of the Liberties of England &c. or at any time since to this time, no goods had or chattels, lands or tenements within my Shire, which extended or apprized might be within their knowledge, And that dead they are, but what day and year, or dayes and years, and where, altogether they are ignorant of. In testimonie of which, &c. as above. South.

R O. Esq. Sher.

Where the land extendable lies in another County.

TO the Barons within written I certifie, that all the Lands and Tenements which were to the within named N. F. or to any of his Ancestors, lie in the County of S. and not in my Shire.

R. O. Esq Sher.

Commorant in another County.

The within named E. S. is Sher. of the County of O and is Commorant in the said County of O. and is not found in my Shire.

R O. Esq. Sher.

Return for the Sheriffe himself.

TO the Barons within written I certifie, that I H. W. Knight, now am Sher. of the County of S. therefore my self distrain I cannot, as within to me is commanded.

H. W. Knight. Sher.

Return of the Writ for Election of Kn. for the Parliament.

BY vertue of this writ to me directed, to be chosen I have caused, two Knights with swords girt, the most fit and discreet of my County aforesaid, viz. W.F. and I.S which Knights full and sufficient power for themselves and the Commonalty of the County aforesaid have, to do and consent to those things which at the day and place within contained of the Common Counsel, &c. of England, to be ordained shall happen. And the aforesaid W.F. and I.S. mainprised are by I.P. W.B. R.D. and R.N. to be at the Parliament, &c. at Westminster at the day within contained, to do as that writ shall exact and require. I have made also a Precept to I.P. and W.S Bailies of the Liberty of the town of G. that of the Borough of G. to be chosen, they cause two Burgesses of the most discreet and most sufficient, that they may be at the Parliament &c. at the day within contained, to do and consent as aforesaid. Which Bailies so to me answer'd, that to be chosen, they have caused of the aforesaid Burrough of G. two Burgesses, discreet, and the most sufficient to be at the Parliament aforesaid, viz. S W. and R W

The residue of the Execution of this writ appears in a certain Inquisition to this writ annexed.

R O. Esq Sher.

Return

Return of the Writ to receive the order of Knighthood.

BY vertue of this writ to me directed, as well within the Liberty as without, through my whole Shire publickly to be proclaimed have I caused, that all and singular persons, having Lands, Tenements or Rents as within written is, whose names in a certain ſcedule to this writ annexed are written, to the preſence of the Keepers of the Liberties of England, *about the feaſt within written perſonally do appear and come, the aforeſaid order to receive, as within to me is commanded.*

F.P.Kn Sher.

Return of Reſcuous.

The Execution of this writ appears in a certain ſcedule to this writ annexed

BY vertue of this writ of the Keepers of the Liberties of England, *&c. to me directed, and to this ſcedule annexed, have I made a certain my Warrant, to a certain I.M. my Baily itinerant, to take and arreſt E.G. in the ſaid writ named, which my Baily by vertue of my warrant aforeſaid, the tenth day of I. the year, &c. at D. in the County of S. aforeſaid, took and arreſted the body of the aforeſaid E. G. and then and there, him E.G. in his cuſtody had, upon which F.G. of C. aforeſaid, in the County aforeſaid gent. and T.M. of the ſame Town and County, gent. then and there by force and armes, viz. with ſwords, poniards and ſtaves, upon my aforeſaid Baily aſſault made, and him my aforeſaid Baily then and there, againſt the Law and cuſtome of, &c.* England. *&c. and againſt the will of him my Baily impriſoned. and him my Baily in priſon, there by the ſpace of one houre then and there held, and twenty pence in moneys numerate of the goods and*

chattels, and pence of him my Baily, from the person of him my Bailie then and there the aforesaid T.M. took, and the aforesaid E. by force and armes aforesaid, then and there out of the custody of my said Baily took and rescued, And also the same E. himself then and there out of the custody of my aforesaid Baily rescued, against the will of the same my Baily, and against the peace publick, and after the same E. was not found in my Shire.

R.O. Esq. Sher.

Otherwise by the Baily of the Hundred.

BY vertue of this writ have I made a certain my warrant to W. H. Baily of the Hundred of H. who thus me answered that where he by vertue of the Warrant aforesaid, the tenth day of S. the year &c. at C. in the County aforesaid, took a certain I.S. and him to the Gaol of the Keepers of the Liberties of England, &c. of the Castle of Winch. would have brought safely to be kept, thither came a certain I.G. and R.S. with many others unknown, by force and armes in manner warlike arrayed, and from the custody of the said Baily at, &c. the aforesaid I.S. took and carried away, and the said Baily would have killed, unlesse the same S. to escape he had permitted, and so because of fear of his death, him S. to escape he permitted, And so that cause the body of the said I.S. before the Keepers of the Liberties of England, in the Upper Bench, &c. as the day and place within contained have I cannot, as within to me is commanded. And further I certifie that the aforesaid tenth day, &c. the aforesaid I.S. was not found in my Shire.

R.O. Esq. Sher.

Otherwise

Otherwiſe by the Baily of the Liberty:

BY vertue of this writ to me directed I have commanded I.S. the Baily of the Liberty of D. in the County aforeſaid, who has full return of all Writs, Precepts, Warrants, to him thence directed, And who ſuch day and yeare at P. in the County aforeſaid T.S. in the writ to this ſchedule annexed named took, and arreſted, and him T.S. in his cuſtody by occaſion aforeſaid then and there had and held, And a certain I C. lately of S. in the County aforeſaid Husbandman, gathering to him many other Malefactors unknown, of the peace of the Commonwealth troublers to the number of twenty perſons, in manner warlike arrayed, by force and armes, viz. &c. upon him the Baily then and there riotouſly aſſault made, and him beat, wounded, and evil intreated ſo that his life was deſpaired, And that I.C. and the others, &c. him T.S. out of the cuſtody of the ſaid Bailie then and there took and reſcued, and as he liſted at large to go permitted, againſt the will of the aforeſaid Baily. And the ſame T.S. himſelf out of the cuſtody of the ſaid Baily then and there in like manner reſcued againſt the peace publick, &c. and after the ſame T. was not found in my Shire.

R.O Eſq. Sher.

Return of a Proclamation out of the Chancery.

BY vertue of this writ to me directed, publickly to be proclaimed have I cauſed within my Shire, that the within named H. under the paine of his engagement before the Keepers of the Liberties of England, &c. in the Chancery within written, at the day within contained appear, as within to me is commanded, alſo to the Keepers of the Liberties aforeſaid I certifie, that the within named H. B. is not found in my Shire.

R.O. Eſq. Sher.

Re urn of the Commiſſion of Rebellion.

TO the Keepers of the Liberties of England, *&c. I certifie, that the time of the receit of this Commiſſion, to me and others directed. the within named* W. W. *taken and arreſted was by* W. S. *Knights, Sheriffe of the County of S. by vertue of divers writs to the ſame Sheriff directed and to the Gaol of the ſaid Keepers of the Caſtle of Winch. by the ſame Sheriffe committed was, in which Gaol the aforeſaid* I. W. *the aforeſaid* W. W. *by vertue of this Commiſſion him to be attached have cauſed, as within to me is commanded, but his body at the day and place within contained, have I cannot, becauſe the ſame* W. *in the ſame Gaol, under ſafe cuſtody of the ſaid Sher. for divers other cauſes there is detained.*

I. O Commiſſion.

The R turn of a *Dedimus poteſtatem* to take the Oath of a Sheriffe

BY vertue of this writ to us directed ſuch day and yeare, &c within written, we have received the Oath of the within named R O *Sher. of the County of S. that office wel and faithfully to perform, according to the forme of a certain ſcedule to theſe preſents annexed, as within to us is commanded, and as this writ exacts and requires.*

W, S. and B. T. Commiſſ.

Return of a Writ of Premunire.

BY vertue of this writ ſuch day and year by I.S. T.W. *and* I.F. *good and legal men of my Shire, to forewarne have I cauſed* W.K *Clerk within named, that he be before the Keepers of the Liberties of* England, *&c. at the day and place whereſoever. &c. to do and receive as this writ ſhall exact and require, and* I.B. *and the reſt of the Defendants within named, nothing have in my Shire, by which them forewarned make I may, nor are they found in it.*

R.O Eſq. Sher.

Return of the writ where a Clerk has no lay fee.

BY vertue of this writ to me directed, to the Juſtices within written I certifie, that the within named T.H. *Clerk, is beneficed in the Biſhoprick of* London, *having no lay fee in my Shire where he may be ſummoned.*

R O Eſq. Sher.

Return of the writ of Election of a Verdour of a Forreſt.

TO the Keepers of the Liberties of England *I certifie, that the within named* I.H. *before the coming of this writ to me directed dead was, and that I after the receit of this writ, in my full County held at the Caſtle of* Winch. *in my County, the twenty nineth day of* March, *the year within written, by aſſent of the ſame County in the place aforeſaid* I. *to be choſen have cauſed, a certain* N.S. *Eſq. Verdour of the Forreſt of* B. *within written, to do all thoſe things which to that office belong, as this writ exacts and requires.*

R.O. Eſq. Sher.

Return

Return of the Writ of Summons before the Justices of the Forrest.

BY vertue of this writ to me directed, to be summoned have I caused the Arch-bishops, Bishops, Earles, Barons, and all other freeholders who lands and tenements have within the metes of the Forrest of the Commonwealth within written, and foure men and the chief of every town within the metes of the same Forrest, And also two good and lawful men of every Borough within the metes of the said Forrest, bound to come as they ought and were wont, that they be before the Justices within written, at the day and place within contained, as within to me is commanded, publickly also to be proclaimed have I caused through my whole Shire, as well in Boroughs as in other Townes and in Faires, Markets, and other places publick, that all those who by charter of the Keeper of the Liberties of England *now, or of their Ancestors or Progenitors, or any other manor any Liberties or Franchises hold, or Liberties to have claim, And by what Warrant, That they be before the said Justices at the day & place aforesaid, To be proclaimed also have I caused, that all men attached for Vert and Venison in the Forrest aforesaid, after the last plea of the Forrest aforesaid held and there pledges and mainpernours, who have day by mainprise aforesaid, to be before the aforesaid Justices, to stand to the right, and to do those things which according to Law of Forrest do they ought.*

The residue of the Execution of this Writ appears in a certain panel to this writ annexed.

R. O. Esq, Sher.

The

The Panel.

Anthon. B. of C. gent. and ſo twenty foure for the grand Jurie, and twelve for the petty Juries.

When any man ſhews the Sheriffe his Tallies.

BY vertue of this writ to me directed, to the Barons within written I certifie, that the Farmors within named, after the receit, to me have ſhewen their Tallies of payment of their forme within ſpecified. For which I have prefixed them a day to be before the Barons within written, to do and receive upon their Tallies aforeſaid, according to the tenure of this Writ, And therefore the levying of the ſum within ſpecified, I ſuperſeas within to me is commanded.

W.V. Eſq. Sher.

Return of the Writ to proclaim the Sheriffe to render his account by the Coroners.

BY vertue of this Writ to us directed, to the Barons within written we certifie, that in the full County of S. within written, held at the Caſtle of Winchester *in the County of S. aforeſaid, the twentieth day of A. the year, &c. within written, And alſo in the full County aforeſaid at W. aforeſaid, the eighteenth day of* September, *the year, &c. as alſo divers times after in the* County *aforeſaid, articulately to be proclaimed have we cauſed, all and ſingular the Articles which in this writ are contained and ſpecified, as by this writ to us within is commanded,*

I.W.
W.R. Gent. } Coron.

R.O. Eſq Sher.
Return

Return of *Capias* out of the Exchequer, as well of the body as of the Land in name of distresse

BY vertue of this writ to me directed to the Barons within written I certifie, that I have taken the body of the within written I.R. whose body before the said Barons ready I have, at the day and place within contained, also the twentieth day of I. the year, &c. within written, I have taken into the hands of the Keepers of the Liberties of England, *&c. in name of distresse, certain lands and tenements of the within named I.R. lying and being in B. of the yearly value of a C.s. as this writ exacts and requires.*

R.O Esq. Sher.

Capias into our hand a Mannor.

BY vertue of this writ to me directed, to the Barons within written I certifie, that the twentieth day of March, *the year &c. within written, I have taken into the hands of the Keepers of the Liberties of* England, *&c. within specified, the mannor within written with the appurtenances, as within to me is commanded. And if it be with Inquisition for the annual value, then thus is the writ aforesaid returned.*

The residue of the Execution of this writ appears in a certain Inquisition to this writ annexed.

R.O. Esq. Sher.

An Inquisition indented taken at, &c. as the Inquisition is before for the form, only putting in the new matter.

Return of the writ of, who is Tenant out of the Exchequer.

BY vertue of this writ to me directed, to the Barons within written I certifie, that W.B. and M. his wife are Tenants of the third part of the Mannor within written, in

in three parts to be divided, and C.A.M.B. *and* I.B. *the daughter of* C B. *deceased, are Tenants of the second part of the Mannor aforesaid, in three parts to be divided, and the third part of the Mannor aforesaid, remains in the custody of the Keepers of the Liberties of* England, *by reason of the minority of* P B. *son and heir of the aforesaid* C.B.

M. ot the forenamed W. [John Doo.
B, and his wife, [Rich. Roo.
R. O. Esq. Sher.

Return of a *Venite fac.* out of the Exchequer, or office of the Coron. in nature of Summons, where he is insufficient.

The within named A B *nothing hath in my Shire, by which he may be attached, or where summon him I may.*

The within named A. B. attached is by pledge, *viz.* [Jo. Fen. [Rich. Den.
R. O Esq. Sher.

The issues of these 1 *Marks.*

And further, if these words be receited in the writ, As also to shew, then in every one ten shillings.

Return of *Distringas* where part nothing has in the Land.

The within named A. B. *nothing has in the Lands, Tenements, and Hereditaments within written, by which him distrain I may.*

Otherwise.

No such mannor is there nor any Land or Tenement known by the name of E. *lying in the County of* S. *upon which the Tenants thence distrain I may, as within to me is commanded.* R. O. Esq. Sher.

Return

Return of *Venditioni Exposita.*

Kitch. Exponend.

BY vertue of this writ to me directed from day to day to sale have I exposed those goods and castels to the value of C. s. resid. of the 8. l. which lately of the goods and chattels, lands and tenements of T.E. within named, I took and thereupon sold to the value of xl.s. which xl.s. at the day and place within contained ready I have to render to the within named C. D. as within to me is commanded. And the residue of the goods and chattels aforesaid yet in my hands remain unsold for default of buyers.

Otherwise of the Return of *Vendition, Exponas.*

TO the Barons within written I certifie, that those C. sheep in this writ specified to sale expose I could not, because that yet they remain in the hands of the within named R.N. lately Sheriffe of the County of S. and never to me the aforesaid now Sheriff yet by the aforesaid lately Sheriffe delivered were.

R.O. Esq. Sher.

Return of *Fieri facias*, wherein addition is given to the Defendant.

TO the Barons within written I certifie, that there are divers persons in my County of the name and firname of I.K. viz. I.K. of B. I.K. of F. and I.K. of A. and that they are not contained in this writ, of which aforesaid I.K. &c. his goods and chattels the moneys within specified to levie I know not, therefore to the execution of this Writ proceed I could not.

R.O. Esq. Sher.

Return

Return of a Writ out of the Court of Wards and Liveries.

After the receit of this writ, and before the return of the same, several summes of moneys within written paid were by several persons within named, to the receiver of our Lord the King of his Court of Wards and Liveries therefore to the execution of this writ proceed I could not, as within to me is commanded.

R. O. Esq. Sher.

The Return of a Significavit.

By vertue of this writ to me directed, I have taken the body of the within named A. B. whose body remaines in the prison of the Keepers of the Liberties of England, &c. of the Castle of Winch. *under my safe custody until to holy Church as well for the contempt as wrong to it is done, by him shall be satisfied, as this writ exacts and requires.*

R. O. Esq. Sher.

The Return of a Signif. with Proclam.

The within named A. B. is not found within my shire, but by vertue of this Writ to me directed in my full County held at the Castle of Winch. *in the County within written the 15. day of July the yeare within written, publickly to be proclaimed I caused, that the aforesaid A. B. within six dayes after that proclamation his body render in forme within written, as that writ exacts and requires.*

R. O. Esq. Sher.

An

AN Inquisition, &c. who say upon their Oath, that W. F. in the scedule to the writ aforesaid annexed named, is deceased; but what day and year, or where, altogether they are ignorant of, and that W. M. also in the same scedule named, is resident in London, and I. S. is Commorant at B. in the County of W. and A. R. in the town and County of Southamp. without the County of Southamp. and the other persons in the same scedule named, do so wander and remove up and down the County aforesaid, that taken or arrested they cannot be. In testimony of which, &c.

South. AN Inquisition, &c. who say on their Oath, that H. S in the scedule to this writ annexed specified, no others or more Mannors has in the County aforesaid, besides and above the Mannor, Lands and Tenements in the scedule to the writ aforesaid annexed specified, which extended, or into the hands of the Keepers of the Liberties of England, &c. seised may be. In testimony of which, &c.

South. AN Inquisition &c. who say upon their Oath that I W. in the writ aforesaid named, the day of the taking of this Inquisition, was possessed of a certain demise for the term of twenty years of one Messuage, &c. in A. in the County aforesaid, with the appurtenances of the annual value in all issues over and above the reprises of 4.l. which demise I the aforesaid Sheriff, the day of the taking this Inquisition, took into the hands of the Keepers of the Liberties of England, &c. In testimony of which, &c.

AN Inquisition, &c. who say on their Oath, that a certain day and yeare the late Earle of H. died and where, altogether they are ignorant of, and that he no goods hath, or chattels in the County aforesaid, which taken and into the hands of the said Keepers extended may be. And further they say, that the aforesaid Earle of H. the day in which he died, was seised in his demesne as of fee, of and in the

the mannor of C. *with the appurtenances of the clear annual value in all issues, over and above the reprises of* 25. *l. which Mannor with the appurtenances before the coming of this writ, I the aforesaid Sheriffe, by vertue of another writ out of this Court issuing, and of the part of the Remembrance of the said Keepers of this Exchequer filed to be seised have caused into the hands of the said Keepers by extent aforesaid. In testimony of which.*

Otherwise.

THe Vicar within written, with the appurtenances in the hands of the said Keepers, is the Sea of the Bishop of Winchester, now being vacant.

Otherwise.

THat the mannors, lands and tenements of the lately W. *Lord of* Ware, *in the hands of the said Keepers are, because* T. W. *Knight, now Lord of* Ware, *son and heire of the aforesaid* W. *has not sued his livery out of the Court of the said Keepers, &c. In testimony of which, &c.*

The Return of a Writ of Partition.

I R O. Esq. Sher. *of the County aforesaid, to the Justices in the writ to this scedule annexed, spec. certifie, That by vertue of this Writ in my proper person, the fifteenth day of I. the yeare, &c. I came to the Messuage in the writ aforesaid, spec. and there by the oath of A. B. &c. (to the number of twelve) good and lawful men of the County aforesaid, and of visne in the same writ spec. (having respect to the*

true

true value of the ſame meſſuage, the ſame meſſuage with the appurtenances in foure equal parts to be parted I cauſed, and one part of thoſe parts viz. &c. to be held to the ſame H.S. and his wife in the Writ aforeſaid named in ſeverally by meets and bounds in the right of the ſaid I. E. Another part thence, viz &c. to be held to I. C. and E. his wife in the Writ aforeſaid named in ſeverally in the right of the ſaid E and two other parts thence viz &c. to be held to the aforeſaid I. C. in ſeverally in his right proper. And I the aforeſaid Sheriff, the day and year aboveſaid, thoſe to be delivered and aſſigned, have cauſed, as the ſame Writ exacts and requires.

R. O. Eſq. Sher.

The

The manner and forme how to keep a Court-leet, or a Law-day, with all things thereunto appertaining as followeth.

The third Book.

First the Steward must make his precept to warne the Court, thus. Alton West brake.

I. W. Gentleman Steward of R. T. *Knight of his mannor, or his hundred of* A *to the Baily of the same Mannor greeting; I command thee that diligently warne thou dost the Court, with view of Frankpledge of the Mannor aforesaid, to be held the 20. day of* October *next following, about the houre of nine, before noon of the same day, at the place accustomed; given under my seale the twentieth day of* September, *the yeer, &c.*

By me I.W. *Steward there.*

Then enter the Court.

S.S. *The view of Frankpledge with the Court of* T. *Knight there held on Thursday, viz. the twentieth day of* October, *the year, &c.*

By *me I. W. Steward there.*

Then cause the Bailiffe to make three Proclamations, and say after the Steward thus.

All manner of persons which are Resiants, or Dozoners, and owe suit-royal to this Court Leet or Law day, come in and do your suit, and answer to your names as you shall be called, every man at the first call, upon pain and peril that shall fall thereon.

Then call the free-suitors and dozenors one after another thus:

L G Gent. come into the Court and do your suit and service, or else you will be amerced, and when you have called them all those which made default, mark them over the head thus, *Lawrence G. is amerced* two pence, and when all the free suiters be called, you must write thus, *They are Freeholders of this Manor, and owe suit to this Court, and have made default, therefore every of them is amerced, as it appears upon their heads.*

Then the Steward must cause the Bailiffes to make three Proclamations, and then to say thus, And if any man will be Essoined, let him come in and he shall be received, and all such persons as were Essoined the last Court, let them come now in and warrant their Essoines, or else they will be amerced both for this Court, and also for the last, that is, they must appear, and not be again essoined; for if that be suffered, it will hinder the service; And if any desire to be Essoined by their Tythingman or other neighbour, then for the first Court they may be Essoined, and their Essoines must be entred as they are in the Hundred Court in this book.

Then let the Bailiffe say after the Steward, if any man will enter any plaints, let them come forth, and they shall be heard.

Then if any come to have any plaints entred, then enter them as they are entred in the Hundred Courts, and if need be, those declarations and pleadings will serve here.

Then call the Tythingman of every tything with his tything, and demand of him if his whole tything be there or no, and ask him what Law day or Hundred-silver he hath b ought, this done, receive his money, and swear him thus. *The*

The Tything-mans Oath.

YOu ſhall ſwear, that you ſhall make true enquiry and the ſame preſent of all ſuch Articles and things as ſhall be given you in charge, concerning the keepers of the Liberty of *England* by the Authority of Parliament, and the Lord of this Leet or Law day, wherein you ſhall no concealment make, you ſhall ſpare nothing meet to be preſented within your tything for love, favour, affection or corruption, neither ſhall you preſent any thing for malice, hatred or envy, but according as the truth of things have, may or ſhall come to your knowledge by information or otherwiſe: So ſhall you make thereof a true preſentment without concealment. So help you God &c.

Then call the whole tything by name and ſwear them thus.

The ſame Oath which *A. B.* your tythingman hath on his part taken before you, and every of you, you ſhall for your parts obſerve, perform, and keep in every Article and thing which ſhall be given you in charge at the Leet, ſo help ye God and the contents of this Book.

Then call the Conſtables of the Hundred if there be any there, and ſwear them thus:

You ſhall ſwear, that you ſhall make due enquiry, and the ſame preſent of all ſuch Articles and things as ſhall be given you in charge, and of all and every ſuch thing and things, which are, ſhall or may come to your knowledge meet to be preſented at this Court concerning your office, wherein you ſhall ſpare no man for love, feare, favour, affection or corruption, neither ſhall you preſent any man for malice, hatred or envy, ſo ſhall you make both a juſt and a true preſentment therof without conceatment, So help you God, and the contents of this book.

In like manner you ſhall ſwear *Ale taſters*, *Heywards*,

and other officers, if any such be answerable, or ought to appear there according to their particular offices.

Then call to the Bailiff for the names of the Jury, and bid him return them in writing, whereof must be twenty four, which return, made and delivered, bid the Bailiffe make an O-yes, and say after you thus:

You good men that be returned to enquire for the Keepers of the *Liberty of England* by Authority of Parliament, and the Lord of this Leet or Law-day, answer to your names, as you shall be called, every man at the first call, upon pain of amerciament.

Then call the Jurors severally by name as they be returned, and prick them openly which appear, and none else, and when fourteen or fifteen, or more have appeared, then call the foreman to the book, and swear him thus;

The foremans Oath.

YOu shall duely enquire, and true presentment make of all such Articles and things as shall be given you in charge, the Keepers of the liberty of *England* by Authority of Parliament councel, your fellows, and your own you shall well and truly keep, and not disclose the same, but here in Court you shall present the truth, and nothing but the truth, so help ye God and the contents of this book; and then let him kisse the book to affirme his Oath.

Then call the rest of the Jury by three or four at once, and swear them thus:

Also such oath as *A. B.* your foreman hath taken before you on his part, you and every one of you shall well and truly observe and keep on your part, so God ye help, and the contents of this book.

And note, that the Steward may impannel any stranger, if there want to make twelve of the Jury, because it is for the service of the Keepers of the Liberty of *England* by Authority

Authority of Parliament for a presentment made by fewer then by twelve is traversable,

Fo. Doe. *Fo. Roe.* *Fo. Den.* *Wil. Fen.* *Wal. Nest* *Fo. Feat.*	Jur.	*Fo. Hye.* *Fo. Pye.* *F. Miles.* *Th. Giles.* *Ri. Cooke* and *Th. Snook.*	Jur.

Then count them.

This done, then command the Bailiffe to make Proclamation, and say thus after the Steward: You good men, that are impannelled to enquire for the Keepers of the Liberty of *England*, by Authority of Parliament, and for the Lord of this Leet or Law--day, draw near and heare your charge, and the Court commandeth all others to keep silence whilest the charge is given, upon pain of imprisonment.

An Exhortation to the Jury before the charge.

MY masters, you that be sworn, before I enter to give you your charge, *I* shall exhort you in the feare of God, first of all to remember your duties to Almighty God, next to the Keepers of the Liberty of *England*, by Authority of Parliament, and lastly to the *Lord* of this Leet or Law-day, and therein to have a special regard for the good of the Common-wealth, here within the precinct of the Leet or *Law* day. God delivered to his servant *Moses* in the Mount *Sinai* ten Laws or Commandments, which are divided into two tables, the foure first which are the first table, do teach us our duties to God, the other six which are the second table, do teach us our duties one towards another: as the body of man is subject to many sicknesses and diseases: so the Common-wealth is subject to many mischiefs and inconveniences and as the one is often curable by physick, so the other is,

to be redreſſed and reformed by the due execution of Laws, which are as the ſinews of the Commonwealth, to keep it in good order, and the execution of the Law is the life of the Law, otherwiſe it is but as a dead thing, and therefore good Rulers and Magiſtrates are ſaid to be as foſtering fathers and mothers to the Commonwealth, as well as natural parents are to their own children, and the people that honour their Governours, the child that honoureth his parents, and the ſervant that honoureth his or her maſter and miſtris, ought to honour them of duty in ſingleneſſe of heart, and not for fear of puniſhment, or hope of reward.

England long ſince was divided into Counties, and ſo into Hundreds, Ridings, Lathes, Leetes, and Wapentakes, which are all one in effect, though they differ in name according to the cuſtome of every Country. And there is no man living within this Nation, but he is reſident and abiding within the precinct of ſome one of theſe, and there he ought to appear twice every yeare, if he be not otherwiſe priviledged by his place or office, and if any wrong be done unto any man under the value of fourty ſhillings, there he ought to have redreſſe, and not elſewhere. Then theſe Laws were afterwards confirmed by the ſtatute of *Marlebridge* 38 before the making of which Statute, a Lord of a Leet or Law day might have kept as many Leets or Law-dayes in a year as he would, and as few. But by that Statute men were limited and appointed to keep but two every yeare, *viz.* one within a moneth of *Eaſter*, and the other within a moneth of *Michaelmas*. And afterwards becauſe men were of ſundry opinions, what things were enquirable at Leets, or Law-dayes, and what were not; there was another Statute Law made in the ſeventeenth year of *E.* 2. by which it appeareth what things are inquirable at a Leet or Law-day, and what are not; and ſithence that time, there have been divers other Statutes made, whereby divers other Articles are inquirable at Leets or Law-dayes, which before the making of the Statutes were not. Now therefore

fore, considering that these Leets or Law-dayes were first ordained for the causes already delivered by me unto you, considering also, that the redresse of all wrongs, and the punishment of all offendors here within the precinct of this Leet or Law-day resteth in you who are here especially elected sworn and put in trust, as the most meetest and worthiest men with in the precinct of this Court for that service, it therefore behoveth you to have a special regard to your oaths therein, that you may the better perform the trust which is reposed in you, for now it is your parts and duties to try right from wrong, and truth from falshood, and to punish offendors, and to defend the innocent. The Prophet *Jeremy* teacheth you, a good lesson, and that is this, *Jurabis* saith he, *in veritate in judic. & in Justitia & amovete* [illegible] *timorem, odium & spem*, that is, you must swear in truth, judgment and justice, not regarding the substance, authority or power of a rich man, nor the imbecillity or poverty of a poore man, but rather you must follow the rule of that wise Philosopher *Plato*, who saith thus, That *Justum est judicium ubi non personæ sed opera considerant*, that is, a right wise judgement, where the person of a man is not regarded, but his offence; *Et ex cordibus vestris omnem affectionem expellite, & memores estote quanta minas Deus insti. nit pro Juramenti violat.* You must, if you would do as you ought to do, remove all affections out of your minds, and call to remembrance what threatnings God hath laid upon such as have violated their oaths. for it is written in the 24. *chap.* of *Leviticus* thus, *Qui blasphemat nomen Dom. morte moriatur*, that is, he that blasphemeth the name of God shal die the death; and in the fifth *chapter* of the *Acts* of the *Apostles*, it was said to *Ananias* and *Saphira*. *Non vives qui locutus es mendac. & confestim occidi fuerunt pro mendac. in vend. Agr.* that is, it was told them that they should not live any longer, because they have dealt deceitfully and made a lie to colour their deceit in selling of a field, and they were presently slain for it: if God did then so punish them for making of a lie, which thing is so com-

mon now a dayes, what will he do to them which do not ſtick to lie, and wilfully forſwear themſelves? therefore it behoves us to beware, and to learn to be warned by other mens harmes, leſt we fall into the like judgement of God our ſelves. In doing well, and performing your duties in this ſervice which you are to take in hand, you ſhall not only pleaſe God therein greatly, and do the Keepers of the Liberty of *England* by Authority of Parliament, and the Lord of this Leet good ſervice; but you ſhall alſo do good to your ſelves and to your poſterities, and therein cauſe the Commonwealth to flouriſh and increaſe in godlineſſe and piety; but on the contrary part, if you ſhall be remiſſe and careleſſe in doing of your duties, wherein you ſhall not only offend God very greatly, but incur the danger of the Lawes of *England*, but you ſhall alſo imbolden and encourage wicked and lewd perſons to continue ſtill in their own wickedneſſe, and go forward *de malè ad pejus*, and ſo to draw on ſin upon ſin, as it were, with cartropes to their utter ruine and deſtruction. And I would have you to know, that if I finde you careleſſe and negligent in this ſervice, I may then by the Law impannel another Iury to enquire of your concealments, the which if they ſhall finde, then may I ſet ſuch fines upon you as I ſhall think fit, according to the quality of your offence. But I hope that you will give me no ſuch occaſion, but rather that you will duly and truly enquire of, and preſent all ſuch things as I will give you in charge.

And ſo I will here ceaſe to trouble you any further by way of exhortation, and proceed as God ſhall enable me, and your patience to the particulars of your charge.

Your charge will be ſomewhat long and tedious, and ſtandeth upon many parts, but I will make it as ſhort as I can, and reduce it into five chief heads or parts, *viz.*

Petty Treaſons.
Felonies by Statute Law.

Felonies

Felonies by the Common Law.
Offences upon divers Statutes.
Lawes and common annoizance..

And so of these in their order.

Petty Treason.

It is petty treason for a woman to kill her husband, or a Clerke his Ordinary, and the punishment for these offences is death, and losse of lands and goods.

Misprision of Treason.

Next to this is misprision of Treason, and that is when any one knows of the Treason aforesaid, or any of them, and concealeth it twenty foure houres after knowledge thereof had, the punishment for this offence is losse of goods and chattels for ever, and of lands during life and perpetual imprisonment.

Felonies by Statute Law, Rape.

Next you shall enquire of Felonies by Statute Law, and therein first of Rapes, and that is if any man have ravished, or had carnal knowledge of any womans body against her will, or hath stolne or carried away any widow or maid against their wills and their friends, though it was done to the intent to marry them, yet it is felony, and the offendor therein shall suffer death, and lose his lands and goods for it. 18.E.2.& 1.H.7.

Hunters

Hunters by night.

Next you shall enquire of Hunters by night, in any
1 H. 7. forrest, park, chase or warren, with visards disguised, to the intent not to be known, if they be apprehended and deny it before a Justice of peace, upon their examination, it is felony; but if they confesse it, it is then but a trespasse, and so finable.

Defacers of a mans Physnomy.

Next you shall enquire if any man or woman hath defaced anothers physnomie in putting wilfully his or her eyes out, or cutting out of his or her tongue, either of both is felony, and the offendor shall suffer death, and lose lands and goods, 5 H. 7.

Servants embesselling their Masters goods.

Also you shall enquire of servants which have embesselled their masters or their mistresses goods, being put in trust therewith, if it amount to xl. s. and upwards, it is felony, 21. H. c 7. and the offendors shall suffer death in this case, and lose lands and goods.

Witches and Sorcerers.

Also ye shall enquire of Witches and Sorcerers, for if any of them have killed or destroyed any man, woman or childe, with Witchcraft or Sorcery, it is in them felony, and the offendor shall lose both his lands and goods for it, 5. *El.*

Rebellions.

Also you shall enquire of Rebellions, Riots, Routs,
1 & 5 El. and unlawful Assemblies, and that is where persons to the

the number of twelve or upwards, do with force unlawfully go about to alter Laws made by Act of Parliament, or any other Laws of this Nation, and being required by the Keepers of the Liberty of *England*, by Authority of Parliament Officers upon Proclamation to return to their dwellings, and yet do remain together by the ſpace of one houre after ſuch Proclamation made, or after do attempt the like thing, it is felony, 1. *Eliz.* And ſo it is where any ſuch number have aſſembled themſelves together to break, or digge up, or caſt down any pales, hedges, ditches, or other encloſures, or to pull up any pondheads, conduits or pipes, to the intent to kill or deſtroy any Deer in any Park, Conies in any Warren, or Fiſh in any Fiſh-ponds, or have fired any dwelling-houſe or any Barne, wherein any corne was laid, or any rick of Corn, or ring any Bell, ſound any Trumpet, or Drum, winde any Horn, fire any Beacon, or ſpeak any rebellious words, or bring or ſend any money, victual, harneſſe, or weapon to any ſuch rebellious perſons, is felony, and the offendors herein ſhall ſuffer death, and loſe lands and goods. Alſo there are concealers of theſe offences, the which if they conceal foure and twenty houres, they are to have nine moneths impriſonment, without bail or mainprize; and Farmers and Coppiholders ought to loſe their Farmes and Copiholds, if they refuſe to go to ſuppreſſe ſuch rebellion as is aforeſaid.

Felonies by the Common Law.

Next you ſhall enquire of felonies by the Common Law, and that is where any doth ſteal to the value of twelve pence or upwards, or doth ſteale any marked Swans, or their Signet, or their egges, or tame Deer, or rob Churches, Chappels, Pigeon-houſes, or dwelling-houſes, or upon the high way, though he take but the worth of a penny from him, it is felony, and the offendor ſhall die for it, and loſe his lands and goods, and ſo ſhall their acceſſary.

Petty

Petty Larceny.

18. Ed 2. Alſo you ſhall enquire of petty Larceny, and thoſe be ſuch as ſteal pigs, geeſe, hens, chickens, corne out of the fields, clothes from hedges, or out of windows, rob orchards, or go in thieves meſſages; the offendors herein are to have corporal puniſhment, and ſo their acceſſaries: but they forfeit their goods if they have any.

Now I muſt tell you that all thoſe offences which I have already ſpoken of unto you, are but only to be here enquired of and preſented, but not here puniſhed, but they are to be puniſhed by the Juſtices of the Shire upon certificate made thereof by the Steward of a Leet or Law-day.

But now follow the offences which are both here to be enquired of, preſented and puniſhed.

Affraies and blood-ſheds.

And therefore becauſe man is the worthieſt creature that God made, I will firſt begin to put you in remembrance of the Law made for his ſafety and preſervation. You ſhall therefore firſt enquire if any man within your enquiry have broken the peace, or made any affray or bloodſhed; if any have offended herein, you muſt preſent him or them, and the manner of it, with what weapon, for that it is forfeit to the Lord of this Leet, and the offendor or offendors are to be fined for ſuch offence.

Hue and cry.

Next you ſhall enquire whether hue and cry after thieves and robbers, have been duly purſued and followed as they ought to have been or no; if not, then you muſt

muſt preſent him or them which made defaults therein, for he forfeits five pound.

Conſtables and Tythingmen to puniſh Rogues.

Alſo you ſhall enquire how Conſtables and Tythingmen have executed their offices in puniſhing of rogues, vagabonds and ſturdy beggars which have come within their charge; for if they have been remiſſe therein, then they ought to loſe twenty ſhillings for every default. No man or woman may be ſuffered to beg by the Law, nor no man or woman may give any almes upon paine of ten ſhillings for every time they give.

Who are ſaid to be Rogues.

Theſe perſons by particular are ſaid to be by the ſtatute rogues, *viz.* Procters of Spittle-houſes, Patent-gatherers, or Collectors for Gaoles, priſons, or Hoſpitals, Fencers, Bearwards, common Players of enterludes, Minſtrells wandring abroad, Glaſſe-men, Sailers, Souldiers, Schollers, and all other idle perſons which go about begging.

Stocks in every Tything.

Alſo for the puniſhment of thoſe offenders, you ſhall inquire if there be in every tything a paire of ſtocks, according as there ought to be by the ſtatute, or no: if there be not, then the tything do loſe five pound.

Artillery to be maintained.

Alſo you ſhall enquire whether every one have Bowe and Arrowes according to the Statute, or no; for every man-childe from ſeven yeeres old to ſeventeen 33.H.8. c.9.

seventeen ought to have a Bowe and two Arrowes, and every man from seventeen to threescore ought to have a Bowe and foure Arrowes, upon paine of six shillings eight pence for every default, and parents ought to provide them for their children, and masters for their servants with their wages, or else they ought to undergo the penalty thereof.

Buts in every tything.

33.H.8. And also for the exercise of Archers in shooting at times convenient, there ought to be Buts made in every Tything, Tillage, and Hamlet, or else the Tything, Village, or Hamlet, ought to lose twenty shillings for every three moneths wanting Buts there.

Players or Games.

33.H.8. Also you shall enquire if any Ale-house keeper or other person do keep any unlawful games in his or their house or houses, or elsewhere, as cards, dice, tables, loggets, quoits, bowles, or such like, in this case the house-keeper loseth for every day fourty shillings, and every player six shillings eight pence for every time.

Also Constables ought to search monethly for such unlawful games and disorders in Ale-houses upon paine of fourty shillings, and they may arrest such as they finde playing at unlawful games, and commit them to ward untill they put in sureties not to play any more at any unlawful game.

No man may play at any unlawful game insatiably, unlesse he can dispend an hundred pounds *per annum* in lands, fees or offices, for life at the least: and he may not play neither in any open place, where every one that will may see him, but in his house, or in his Orchard, or Garden, upon paine of six shillings eight pence for every time, except in the Christmas time, for then all men may play. 33.H.8.

Shooting

Shooting in Guns.

Next you ſhall enquire of ſuch as ſhoot in hand-guns, or croſſe-bows; for no man may ſhoot in them unleſſe he can diſpend a hundred pound *per annum* in lands, tenements, offices, annuities or fees; neither may thoſe ſhoot at any Pheſant, Partridge, Herne, Duck, Mallard, Houſe-dove, Pigeon, Wigeon, Teal or Heath-cock, upon pain of ten pound for every ſhoot.

Alſo by another Law made 1. *Jac. reg.* he that ſhoots in a Gun, Croſs-bow or long-bow at any of the fowles aforeſaid, or at any Hare or Deer, and cannot diſpend ten pound yearly in lands, nor is worth two hundred pound in goods, ſhall forfeit twenty ſhillings for every ſhoot, which ſhall be to the uſe of the poor of the Pariſh where ſuch offence is committed, if the ſame be either confeſſed or proved by two witneſſes, or elſe if the offendor be not able to pay the ſaid penalty, or will not, then he muſt have three moneths impriſonment without bail or mainprize. But if ſuch offendor can diſpend ten pound *per an.* or more, then he ſhall forfeit fourty ſhillings to the uſe aforeſaid, and finde ſufficient ſureties that he ſhall offend therein no more.

But by the ſame law all ſuch as have plackards or licences, may kill Crows, Rooks, Choghes, Pyes, Jeyes, Ring-doves, and other ſmall birds for Hawks-meat only, with a gun, or otherwiſe.

Next you ſhall enquire whither your high-wayes be ſufficiently amended and made paſſeable, as they ought to be or no, for to that end and purpoſe there ought to be two Surveyors choſen in every Pariſh, between Eaſter and Midſommer by the Conſtables and Churchwardens, and there ought to be ſix dayes appointed for amending of the high wayes, eight hours every day upon pain of twenty ſhillings to be loſt by the Surveyors. And every one that hath a cart ought to ſend two able men with it, with

with tooles fit for that service, or else to lose ten shillings for every day wanting, and every housholder ought to finde an able man for that service, or else to lose twelve pence for every day wanting. And they ought most chiefly to mend the wayes leading to market townes and they may gather stones in any mans ground, and also digge pits of ten yards square in any mans several for stones and rubbish (if it be needful) filling the same up again, without danger of Law. And they must turne springs, if they can, out of the high wayes; and trees and hedges which hang over the publick high-wayes, must be cut and shreded upon pain of ten shillings for every default.

Purprestures and Assarts.

18.E.2. Next you shall enquire of Purprestures and Assarts and that is, where any Wall, Hedge, Ditch, or House is set, levied or abated in the publike high-way, or any water-course stopped or turned into the high way, to hinder the passage of the weal publike, or any way annoy them.

Bounds and Marks.

Also you shall enquire, whether any mear stones or stakes, bounds or marks, between this Lordship and any other, or between tenant and tenant, hath been removed since the last law-day or before, and not set in the usual place again, if there be any which have offended herein, you must present them.

High-wayes or foot-steps stopped up.

Also if any high-wayes or foot-pathes to Church, Mill, or Market be stopped or hedged up, which have been accustomed to lie open, you must present him or them which shut it up, for the people of the Common-

wealth

wealth must not be stopped of his lawful passage, to Church, Mill, or Market.

Common Bridges broken.

Also if any Common bridges over Common Streams be broken, that by reason thereof the people of the Commonwealth cannot passe about their affaires and businesses, you must present those which ought to make them, upon a pain.

Common Pounds broken.

And also if common pounds be broken, so that they will hold no distresse that is brought to them until they be delivered thence by order of Law, you must present those which ought to make such pounds, upon a pain.

Sleepers by day, and Walkers by night.

Also you shall enquire of Sleepers by day, and Walkers by night, to steal and purloin other mens goods, and Conies out of Warrens, Fish out of mens several ponds or waters, Hens from Henrouse, or any other thing whatsoever; for they are ill members in a Commonwealth, and deserve punishment, therefore if you know any such present them.

Eves-droppers.

Also you shall enquire of Eves-droppers, and those are such as by night stand or lie hearkening under walls or windowes of other mens, to hear what is said in another mans house, to the end to set debate and dissention between neighbours, which is a very ill office, therefore if you know any such present them.

Foreſtallers, Regraters and Ingroſſers.

. Alſo you ſhall enquire of Foreſtallers, Regraters and Ingroſſers, evil members in a Commonwealth.

A Foreſtaller is he which buyeth or cauſeth to be bought any victuals whatſoever going to any Faire or Market to be ſold, and maketh any bargain for the buying thereof, before the ſame be brought into the Faire or Market, or doth make any motion for the inhancing of the price of any victuals, or doth move or perſwade any perſon coming to the Faire or Market with victuals, to abſent and forbear his coming hither with any victual to be ſold there.

Regrater is he that getteth into his hands in any Faire or Market, any Corne, Tallow or Candles, or any dead victual whatſoever, brought to any Faire or Market to be ſold, and doth ſell the ſame again in any Fair or Market, within foure miles next adjoyning thereunto.

An Ingroſſer is he or ſhe that doth ingroſſe and get into his or her hands, by buying or promiſe taken, other then by demiſe, grant, or leaſe of bond or bill, of corne growing in the fields, or any other Corne, Graine, Butter, Cheeſe, Fiſh, or any other dead victual whatſoever to the intent to ſell the ſame again for profit

Their puniſhment.

For the firſt offence they ought to have two moneths impriſonment without baile or mainpriſe, and forfeit the value of the goods bought and ſold.

For the ſecond offence they ought to have half a yeares impriſonment, and to forfeit double the value of the goods bought and ſold.

And for the third offence they ought to be ſet upon the pillory, and to loſe all their goods and chattels, and be impriſoned during the Keepers of the Liberty of *England* by authority of Parliaments pleaſure.

Cattle,

Cattel ſold within five weeks.

Alſo you ſhall enquire of ſuch as uſe to buy cattel, and to ſell them again within five weeks, they ought to loſe double the value of their cattel.

Of Butchers.

No Butcher ought to ſell in any open Faire or Market, any other victual then that which is good and wholſome for mans body, and for reaſonable gaines, and not at exceſſive prizes.

Shoemakers.

They ought to make their Shooes and Boots of good and well tanned leather, and well liquoured, curried and ſowed, to keep men dry of their legs and feet. 5. Eliz.

Tanners.

Alſo you ſhall enquire of Tanners that have uſed the occupation of a Cordwainer, or a Currier, or that hath put any Leather to ſale, but red Leather as it came from the Tan-fat, or that hath put any Hide or piece of Leather to ſale, before it be well dried, marked and ſorted, and then ſold in open market, or that hath tanned any ſheep skins.

Glovers.

Alſo you ſhall enquire whether Glovers, or white Tawers of Leather, do make any other ware then that which is good and ſubſtantial, well tawed and dried, and no: rotten nor tainted, and ſell the ſame at reaſonable prizes. And a white Tawer may taw no Calf skins except they be put to him to be tanned, upon pain to loſe for every Calf-skin twenty pence.

Bakers.

Also you shall enquire whether the bakers do their duties or not, in making of good and wholesom bread for mans body, of sweet corne, and not corrupted, and that they make their bread in weight, according to the price of wheat, in three markets next adjoyning, not changing the assize of bread, but by six pence in weight in increasing, or abating, and if they do the contrary, and be thereof duly convicted, then for the first, second, and third time, they shall be amerced after the quantity of their fault, and shall lose from time to time their bread so found too light in weight, but if they shall be found faulty herein the fourth time, then they must be set upon the pillory in open market, whose punishment may not be released for gold or silver.

Also a Baker must set his own proper mark upon every loafe of bread that he maketh and selleth, to the end that if any bread be faulty in weight, it may be then known in whom the fault is.

Brewers.

Also you shall enquire of Brewers and Tiplers, whether they make good and wholesome Ale and Beere for mans body, or not, and sell and utter the same according to the Laws and Statutes of this Nation. And also they ought not to put out their signe or Ale stake, until their Ale be assayed by the Ale-taster, and then to sell, and not before.

Fishers.

Also you shall enquire of Fishers, whether they do their duties or no, in bringing to the market such Fish as is good and wholesome for mans body, and not corrupt

or

or ſtinking, and there ſell the ſame at reaſonable prizes, without taking of any exceſſive gaines, but only for every twelve pence beſtowing, one penny clear gaines, over and beſides their charges, and if any Fiſher ſhall do the contrary, then he ſhall be grievouſly amerced from time to time, and his fiſh if it be corrupt and ſtinking, to be taken from him and openly burned in the Market.

Alſo no perſon may kill or deſtroy any young Fry of Fiſh, in whatſoever river freſh or ſalt; nor kill or take any Salmon or Trout, or any Pike or Pickeril, not being in length ten inches of cleer fiſh or more, nor any Barbel except he be twelve inches long in cleer fiſh or more, upon paine of twenty ſhillings for every fiſh ſo taken and killed, being not of the ſeveral lengths aforeſaid.

Alſo no man ought to fiſh with any Net or Engine, angling only excepted, but with ſuch Net or Trannel as every meaſh ſhall be two inches and a half wide, except Nets only to take Loches, Mennas, Butheads, Gudgions, Eeles, and none other Fiſh, upon paine of twenty ſhillings for every time offending, and loſs of the fiſh and the unlawful Net.

Conſpiracy of Victuallers.

Alſo you ſhall enquire of the conſpiracy of Victualers, and that is where any Butcher, Baker, Brewer, Poulter, or Cook, ſhall or do conſpire, promiſe or make oath, that they will not ſell their victuals, but at certain prizes, or if any artificers or labourers do conſpire, promiſe or covenant likewiſe, not to do the work which others have begun, or will do but certain work in a day, or will not work but at certain houres and times, then every ſuch perſon ſo conſpiring, promiſing, ſwearing, and offending, being thereof lawfully convicted, ſhall forfeit for the firſt offence ten pound, if he have it to pay, then he muſt pay it within ſix dayes after his conviction, or elſe he is to have twenty days impriſonment, and have

onely bread and water for his ſuſtenance, and for the ſecond offence twenty pound to be paid as is aforeſaid, or elſe to ſuffer puniſhment on the Pillory, and for the third offence, he ſhall loſe fourty pounds to be paid as is aforeſaid, or elſe to be ſet upon the Pillory, and loſe one of his eares, and ever after to be taken as an infamous perſon. And if ſuch conſpiracy ſhall happen to be made
2. E 6. by any Company or Corporation, they ſhall loſe their Corporation, beſides the penalty and the particular puniſhment aforeſaid.

Falſe Weights and double Meaſures.

5 1. E. 3. Alſo if any within your enquiry, ſhall uſe any falſe Weights or double Meaſures, in deceiving of the Commonwealth, in buying with a great meaſure, and in ſelling with a leſſe: the offendor thereof therein ſhall be grievouſly puniſhed and impriſoned until he hath made fine with the Keepers of the Liberty of *England* by Authority of Parliament for his offence.

No man ought to ſell any corne, ale, bread or wine, but by a meaſure ſealed with this letter *H.* upon paine of forfeiture for the firſt offence ſix ſhillings eight pence; for the ſecond offence thirteen ſhillings four pence, and for the third offence twenty ſhillings, and to be ſet on the Pillory, to the example of others; and the meaſure not ſealed to be broken, all which forfeitures are to the Lord of the Liberty where ſuch offence is committed, and if it be in a City or Borough, then it is to the Major and Commonalty.

1 Jacob. Alſo you ſhall enquire of ſuch as uſe to trace Hares in the ſnow, or to kill Hares with Hare-pipes, or other engines, by an old Law they forfeit ſix ſhillings eight pence for every Hare ſo killed, but by a latter Law made in the firſt yeare of the late King *James*, twenty ſhillings

No Lay-man may lawfully keep any Greyhound, or Hunting dog, Ferits or Nets, unleſſe he can diſpend fourty

fourty ſhillings *per annum*, freehold, nor no ſpiritual man unleſſe he can diſpend ten pound *per annum*, of ſpiritual promotion, upon paine of a years impriſonment.

Crow net.

5. Eliz.

Next you ſhall enquire if there be in every pariſh and Tything within your enquiry a Crow net, provided to kill and deſtroy Crows, Rooks and Choughes, according to the Statute or no, if there be not, they ought to loſe ten ſhillings for every default, and it is not enough to have one, but it muſt be uſed, and ſcrapes made in the winter to that purpoſe, upon the like pain, but houſe-doves and pigeons may not in any caſe be taken with it.

Apparel.

5. Jacob.

24. H. 8.

And you ſhall enquire of ſuch as exceed in apparel contrary to the Statute; for no man except he may diſpend twenty pounds yearly in lands for his life at the leaſt, or is worth two hundred pounds in goods, ought to wear any ſilk on his hat, hoſe, ſhoes, girdle, ſcabber'd or ſpurleathers, upon paine for every dayes wearing of it ten pound, and three moneths impriſonment; and if any man know his ſervant to offend herein, and doe not put him away, and not take him again within a year after, doth forfeit a hundred pound for every ſuch offence by the ſame Statute, and theſe perſons only are excepted out of the Statute, *viz.* The Councel of State, the Barons of the Exchequer, Judges of the Law, Serjeants at Law, Majors and Recorders of Cities and Towns corporate, and their wives.

Refuſe to go to muſter.

Alſo you ſhall enquire if any have refuſed to go to Muſters, if there be any ſuch, they ought to loſe fourty ſhillings, and to have ten days impriſonment.

Alſo no man ought to water any hempe or flaxe in any running ſtream, upon paine of twenty ſhillings.

Drunkards.

1. Jacob. Alſo you ſhall enquire of Drunkards, for they ought to be preſented, and to pay, if they are able, for every time they be drunk, five ſhillings to the uſe of the poor of the pariſh where the offence is committed. if not able, then after conviction thereof, they ought to ſit ſix houres in the ſtocks.

1. Jacob. Alſo an Alehouſe-keeper ought to loſe twenty ſhillings for every pot they ſell that is not a full quart, and ten ſhillings for ſuffering any Townſman to ſit drinking in their houſes, except he be brought thither by a ſtranger, and then he may not ſtay there above one houre.

And Brewers by the ſame Law ought to loſe for every barrel of Beer or Ale ſix ſhillings eight pence, which they lay into any mans ſeller to be ſold there by retaile by any that is not licenſed to ſell Ale or Beer.

Waifes, ſtraies, and felons goods.

1 8. E. 2. Alſo you ſhall enquire of waifes, ſtrayes and felons goods. Waifes are cattel ſtolne and waved out of the poſſeſſion of him that ſtole them, and ſtraies are Cattel ſtrayed out of their haunt, and they ought to be ſeiſed upon to the Lords uſe, and to be wreathed and put into an open place, and not in a covert, to the end the Owner may have the view of them, and they muſt be cried at three Market Towns next adjoyning to the place where they are ſtrayed, and if they be not challenged within a year and a day, then they belong to the Lord of the ſoile where they are, by the Law, otherwiſe not.

Which is all manner of felons goods which may preſently after the felony is known to be committed, be ſeiſed upon, but not take away but left with the townſhip,

ſhip, for the felon muſt have his finding out of it ſo long as he lives unconvicted or attainted, but when he is convicted or attainted, his goods then properly belong to the Lord of the Leet, if he have words for it in his Charter, otherwiſe they belong to the Keepers of the Liberty of *England* by Authority of Parliament.

Treaſure Trove.

Alſo you ſhall enquire of Treaſure troves, either upon the ground or within the ground; for if any hath been found within the juriſdiction of this Court, it belongs to the Lord of this Leet or Law-day.

Mortmain.

Alſo you ſhall enquire if any man hath given any lands in Mortmain, that is, to any religious houſe, or religious perſon, or to any Corporation, Guild or Fraternity without licence, ſuch gift is void, and the Lord may enter by way of Eſcheat.

Alſo you ſhall enquire if the pains laid at the laſt Leet or Law-day be performed or no, if not, then you muſt preſent them that have made default, and then thoſe pains muſt be read to the Jury.

And to conclude, if there ſhall any other thing come to your knowledge meet to be preſented, and by any omitted to be given in charge, you ſhall as well enquire thereof, and preſent it as the reſt.

Then cauſe the Bailiffe to make three Proclamations, and ſay thus; if any man can inform the Steward of this Leet, or his inqueſt of any petty Treaſon, Felony, petty Larceny, breach of peace, or of any other matter or thing now given in charge, let them come forth, and they ſhall be heard.

And if any do come in, then ſweare them thus: that the evidence which they ſhall give, ſhall be the truth, and the whole truth, and nothing but the truth, ſo God them

them help, and the contents of this book, then adjourn the Court till after dinner.

Then at your return from dinner, call all the Tythingmen and take their presentments.

And then that done take the presentments of the Jury, if they be readie with them, or else give them a day to bring in their presentments, and then commonly is the best service done.

Then swear all the officers to their severall offices that are then and there to be sworn.

Then adjourn the Court until the day given to the Jurie to bring in their presentments, but if they have no day given them, you may discharge the Court by Proclamation thus, *viz.* according as other Courts are discharged.

Then at the daie when the Jurie delivers in their presentments, you must first call them by their names to see if all be there or no, and then ask them if they be agreed of their presentments, if they say they be, then receive their presentments in writing in English, under their hands for the Stewards warrant.

Petty Treason.

INprimis, the Jurors aforesaid, say and present on their Oath, that R.S. of A. Gentleman, at A. within the Jurisdiction of this Court, as a felon of the Commonwealth, one hundred peeces of gold, and three hundred groats falsly and feloniously coined, and made, letters patents of, &c. thence first not obtained, against the peace publick, and against the forme of the Statute in such case put forth and provided.

Felony for burning a house.

They also present that a certain T.D. *Yeoman such a day &c. at I. within the Jurisdiction of this Court, by force and armes, &c. voluntarily and feloniously of his malice forethought*

thought, the house of a certain I.S. burnt against the peace publick, therefore it is commanded the Bailiffe to seise all his lands, tenements, goods and chattels, that he may answer them to the Lord of the Manner.

Felon.

Also they present that W.P. of I. aforesaid Labourer, such day, &c. at A. within the Jurisdiction of this Court, by force and armes, &c. and against the peace publick, the close of a certain A.B. at I. aforesaid broke and entred, and one suit of satten of black colour, of the goods and chattels of the aforesaid A. then and there found, feloniously took and carried away, therefore it it commanded to the Bailiffe to seise, as above.

Accessary.

Also they present that W.S. of I. aforesaid Yeoman, within the Jurisdiction of this Court, counselled, instigated, procured, comforted and abetted a certain H.W. &c. one Cow of black colour, of the price of thirty shillings, of the goods and chattels of a certain E.F. then and there found feloniously to steal, take and lead away, and the aforesaid L. by force of the said counsel, instigation, procurement, comfort, and abetting of the aforesaid W.S. the aforesaid Cow such day, &c. yeer, &c. feloniously stole, took, and led away.

Rape.

Also they present that A.B. of I. Yeoman, such day, &c. at I. within the Jurisdiction of this Court, the close and house of a certain C.B. broke and entred, and upon a certain K.C. the daughter, &c. in the peace of God and the Commonwealth being, assault made, and her by force and armes, then and there against her will ravished, and her carnally knew against the peace, &c.

Felony.

Felony.

Also they present that A.B. of I. aforesaid, Yeoman such day, &c. at I. within the jurisdiction of this Court, about the houre of nine in the night the same day, the house and mansion of a certain C.D. as a felon of the Commonwealth, broke and entred, with the intention to spoil the aforesaid C.D. and six angels of gold, of the goods and chattels of the aforesaid C.D then and there in a certain chest being, feloniously took and carried away against the peace, &c.

Robbery.

Also they present, that E.F. of I. aforesaid labourer such day, &c. at I. within the jurisdiction of this Court, by force and armes, and against the peace, &c. upon a certain T.B. at, &c within the jurisdiction of this Court, in the high way, there in the peace of God and the Commonwealth being, assault made, and him T.B. then and there spoiled, and sixteen shillings, and one angel of gold, of the goods and chattels of the aforesaid T.B. in a certain his purse, then and there being, from the person of him T.B. feloniously took and carried away, against the peace, &c.

Hutesse.

Also they present, that the aforesaid T.B. being spoiled raised a great hiew and cry, and the aforesaid E.F. as a felon of the Commonwealth the said day and year, from the aforesaid place, where so spoiled he was, freshly pursued, as far as the aforesaid town of, &c. and that no inhabitant there the aforesaid felon upon the hiew aforesaid followed, and so the aforesaid felon escaped in contempt of the Keepers of the Liberty of England, *and against the form of the Statute of* Winch. *in such like case put forth and provided, therefore the aforesaid town of, &c. is amerced, &c.*

Flight,

Flight he made.

Also they present that E.L. of I. aforesaid Yeoman, such day and year, &c. at I. within the jurisdiction of this Court, a certain gelding of black colour, of the price, &c. of the goods and chattels of a certain A.B in the Common field there being feloniously stole, took and led away, therefore it is commanded to the Baily, to seise two Cows of the goods and chattels of the aforesaid E.L. as an eschear, and to the Lord forfeit, and that safely they be kept to the use of the Lord, or thus, if it be for the Commonwealth, to the use of the Commonwealth.

Escape.

Also they present, that when a certain B R. of I. aforesaid, Yeoman, taken was, and arrested, for suspicion of a certain Felony, and in the stocks put, a certain I.F. of I. aforesaid labourer, such day and year, &c. at I. aforesaid, the aforesaid stocks by force and armes, feloniously broke, and the foresaid B.R. then and there to escape, and at large go permitted against the peace, Therefore is it commanded to the baily as before, &c.

Felony in rescuous.

Also they present, that T. I. of I. aforesaid, within the jurisdiction of this Court one calf of the price, &c. of the goods and chattels of a certain I.B. then and there found, feloniously took and carried away, and that W.O. Baily of the manner aforesaid, such day and year, &c. at I. aforesaid, the aforesaid T.I. for suspition of the felony aforesaid arrested, and that W.F. of I. labourer by force and armes, &c. at I. aforesaid, the said day and year, upon the aforesaid W.O. in the peace of God and the Commonwealth being, assault made, and the aforesaid T.I. in the custody of the aforesaid W. then and there feloniously took, got away, and rescued, and at large to go permitted, against the peace, &c. therefore to the Baily commanded, is, as above, &c.

Felon-

Felon. of a Dove-house.

Also they present that A.B. of I. aforesaid, Yeoman such day and year, &c. at I. within the Jurisdiction of this Court, about the houre of one in the night of the same day, a certain Dove-house of a certain, &c. broke and entred, and fourty pigeons of the price of, &c. of the goods and chattels, &c. feloniously took and carried away against the peace, &c. therefore, &c.

Felon. of a Doe Domestick.

Also they present that I. W. of I. aforesaid Gentleman, such day and year, &c. at I. within the Jurisdiction of this Court, a certain Doe Domestick, and bearing a caperane about her neck, of the price of, &c. of the goods and chattels of a certain, &c. then and there found feloniously took and carried away against the peace, and therefore commanded is it to the Bailiff, &c. as above.

Felon. of a Trunck broken.

Also they present, that I.L. of I. aforesaid Yeoman, such day, &c. at I. aforesaid within the Jurisdiction of this Court about the first houre of the night of the same day, a certain trunk of a certain, &c. broke and entred, and ten fishes called Pykes, of the price, &c. of the goods and chattels of the aforesaid, &c. from the trunk of the same, &c. then and there feloniously took and carried away against the peace, &c. therefore, &c.

Petty Larceny.

Also they present, that P. I. of I. aforesaid Yeoman such day, &c. the close of a certain, &c. at I. broke and entred, and one towel of the value of six pence, of the goods and chattels of the aforesaid, &c. then and there found, feloniously took and carried away, therefore, &c.

Selling

Selling in the Church-yard.

Also they present that W.B. *and* T.B. *of* I. *aforesaid Butchers such day, &c. within the precinct of the view of Frankpledge laid out their flesh, and other things venal in the Church and Church-yard of* I. *to sell them; which, where divine service is celebrated, and mens bodies are buried, they sold against the forme of the Statute of* Winch. *in such like case set forth and provided, therfore are they amerced, &c.*

Chattels waved.

Also they present that a certain M.S. *came within the jurisdiction of this Court, and hither brought certain goods and chattels by him stolne, viz. one Smock, one Petticote, and one shirt; all which aforesaid are of the value of twenty shillings and no more, all which and singular hither by the foresaid* M. *were brought, and the same* M. *here within the jurisdiction of this mannor, these waved, left and fled, by which all the goods and chattels aforesaid, came to the Lord of this mannor, upon the aforesaid. Commanded it was to the Bailie, to seize into the hands of the Lord as an escheate, and to the Lord forfeit, and so did he, and the goods and chattels aforesaid were delivered to the Lord in this Court.*

Common fine.

Also they say, that they give to the Lord in certain for the Common fine at this day of ancient custome six shillings eight pence.

Default of Deciners.

Also they present upon their oath that I.R. R.W. *and* I.W. *are resident within the view of Frankpledge aforesaid, and at this day have made default, therefore is every of them amerced, as it appears upon their heads.*

Nusance

Nuſance of water.

Alſo they preſent that R.C. *of* I. *aforeſaid Yeoman, has diverted the common courſe of a certain rivolet, leading by the houſe of a certain* T.H. *out of the right courſe in which it uſed to run; therefore is it commanded him to ſuffer that rivolet to run in its right and ancient courſe, by the feaſt, &c. under the penalty, &c.*

Nuſance of boughes, &c.

Alſo they preſent, that there is a certain hedge of great thickneſs, and that the boughes thence hang beyond the venelle called the publick lane, to the Nuſance of carriages, beyond the ſame venelle to be carried, in defect of W.C. *therefore is it commanded to him to cut or lop that hedge by the feaſt, &c.*

Nuſance of a gutter.

Alſo they preſent, that there is a certain gutter leading from the houſe or kitchen of T.I. *by which the filthy or ſtinking water of the ſaid Kitchen is conveyed into the publike way, to the grievous nuſance of the way publike, and of all carriages beyond it to be carried by the people of the Commonwealth; therefore is it commanded him, that to amove or ſtop up, by the feaſt, &c.*

The common wayes.

Alſo they preſent, That the common way leading by the field called Prebends field, is the common way for leading or riding, and ſo uſed was, from the time whoſe contrary in the memory of man is not, and becauſe the gate and the bridge beyond the further bridge, ought to be maintained and kept by the Land-tenants, and now are not, therefore is it commanded, the ſame gate and bridge to mend, and repaire before the feaſt, &c. under the penalty, &c.

Nuſance

Nusance of a dunghil.

Also they present that A W. has erected a certain dunghil against his house neer the publick way to the nusance of the people of the Commonwealth; therefore commanded it is to him, that to amove and carry thence by the feast, &c. under the penalty, &c.

Nusance of a Ditch.

Also they present that there is a certain ditch unscoured and unclean in defect of R.S. to the nusance, &c. therefore is he amerced twelve pence, and commanded it is to him that to scoure and make clean by the feast, & under the penalty &c.

An Hostesse of whores.

Also they present that A.B. widow, is a common Hostesse, and receiver of whores, and of women of bad fame and conversation, to the grievous nusance of her neighbors, therefore is she amerced two shillings.

A Scold.

Also they present that N.C. widow is a common Scold with her neighbours, and a common breaker of hedges and keeps a certain W. C. her son in her house, and he is not of good fame or government, therefore are they amerced as it appears upon, &c.

Trespasse.

Also they present that a certain A.B. servant of W.C. Baily of the Lord, as he was leading certain cattel of a certain R.G. to the pound of the Lord, there to impound them, came a certain D.P. with great violence to the pound aforesaid, with one sword of the value of five shillings, and then and there the aforesaid A.B. struck with the same sword on his head, and spilt blood upon the same A.B. by occasion of which blow the aforesaid B. fell to the ground, as if dead he had been. Therfore the aforesaid D.P. is amerced, and affer. by the chief, Iudges to five shillings.

Treſpaſſe and Battery.

Alſo they preſent that I S made an affray within the juriſdiction of this Court, and drew blood, therefore is he amerced ſix ſhillings eight pence.

Default of a Conſtable.

Alſo they preſent that W.G. is Conſtable and is not here at the view of frank pledge, to preſent that which to that office belongs, but hath made default, therefore is he amerced three ſhillings foure pence.

Common appriſers.

Alſo they preſent, that B.R. and W.G. are common appriſers, and ought to be here to preſent that which to that office belongs, and made default, therefore are they amerced three ſhillings foure pence.

Searchers of victuals make default.

Alſo they preſents that R. B. *and* C.D *are ſearchers of victuals, and ſhould be here at the view of frankpledge to preſent that which to that office be ought, and made default, therefore each of them is amerced two ſhilling.*

Scourers of ſtreets make default.

Alſo they preſent, that T. I. *and* W. I. *are Scowrers of ſtreets, and ought to be here at the view of frankpledge, and made default, therefore is each of them amerced ſix pence.*

Eſtray.

Alſo they preſent upon their Oath, that the twentieth day of May, the yeer, &c. there came within this Lordſhip, one horſe of colour grey, an eſtray, and remaines in cuſtody X. D. *to be proclaimed.*

Alſo they preſent that there is one colt of colour bay, of age four yeers or more, which came within this Lordſhip an eſtray

the

the nineth day of September the yeer &c. of the price of twenty four shillings, and remained in the custody of the Baily by the space of one yeer and one day, after three Proclamations, three several dayes made according to the forme of the Statute, therefore the property of the same Colt is in the Lord.

Bakers amerced.

Also they present that W M. *twelve pence, and* R. B. *twelve pence, are common Bakers of mans bread, and divers times have baked bread unwholesome, and broken the Ass. therefore is each of them amerced, as it appears upon their heads.*

Brewers amerced.

Also they present, that R. W. *twelve pence and* I. D *twelve pence, are common brewers of Ale, and have brewed several times Ale unwholesome, and broken the Ass. therefore is each of them amerced as it appears upon their heads.*

Tiplers amerced.

Also they present, that E. W. *twelve pence, and* W. X. *twelve pence, by their wives are common Tiplers of Ale, and by unlawful measures have sold Ale and broken the Ass. therefore is each of them amerced, as it appears upon their heads.*

Penalty set.

First, ordained it is that B. R. *make and soure his ditch at the nether end of great hill-field, containing by estimation twenty perches, by the feast of the Nativity of Saint* John Baptist *next coming, under penalty for every perch there eight pence.*

Penalty.

Also ordained it is that T. M. *reform and expose a certain parcel of land lately by him incroached, betwixt wash land*

and Pickam Common before the feast of all Saints next coming, under the penalty for every perch not reformed and exposed, twenty pence.

Penalty.

Also ordained it is, that no man permit his beasts, viz. his Oxen or Cows to go into or feed upon the Common of this Lord; but in the lanes, to this manner belonging, without a Keeper, under penalty of forfeiture to the Lord for every of them every time two pence.

Penalty.

Also ordained it is, that W. I. move his dunghil lying by the way publick against his house before the Feast of Easter next, under the penalty of forfeiture of ten shillings to the Lord of this Manor.

Penalty.

Also ordained it is that I. F. make and maintain a bridge in his Close, called great Colmans, in the way leading from Alton town, under penalty of forfeiture of ten shillings to the lord.

Penalty.

Also ordained it is, that every man yoke or ring his hogs before the feast of Saint Michael the Archangel next, and those so yoked or ringed until the feast of Saint John Baptist then next following under penalty of forfeiture to the lord for every hog, every week three shillings foure pence.

Then there rests no more to be done at a Leet or a Law-day, but to minister to every officer his particular oath, and first the Majors oath if there be one there, and that must be thus.

The

The Majors Oath.

YOu ſhall ſwear that you well and truly ſhall ſerve the Keepers of the Liberties of *England* by Authority of Parliament and the Commonwealth, in the office of a Major, and as Major of this Town and Borough of P. for and during the ſpace of one whole yeer now next enſuing; and you ſhall miniſter equal Juſtice as well to the poor as to the rich, to the beſt of your cunning, wit and power, and you ſhall diligently procure ſuch things to be done, as may honeſtly and juſtly be to the profit and commodity of the Corporation of this Town; and alſo endeavour your ſelf to the utmoſt of your power to ſee all Hereſies, Treaſons, Felonies, and all other Treſpaſſes, Miſdemeanours, and offences whatſoever to be committed within this Town and Borough, during the time of your office, to be repreſſed, reformed and amended, and the offenders duly puniſhed according to the Law. And finally, you ſhall ſupport, uphold and maintain the Commonwealth within this Town, preſcribed cuſtomes, rights, liberties, juriſdictions, franchiſes, compoſitions, and all lawful ordinances of this Town and Borough; and as concerning all other things appertaining to your office, you ſhall therein faithfully and uprightly behave your ſelf for the moſt quietneſſe, benefit, worſhip, honeſty and credit of this Town, and of the inhabitants thereof, ſo help you God, and the holy contents of that book.

The Oath of the Recorder.

YOu ſhall ſwear, that you well and truly ſhall ſerve the Keepers of the Liberty of *England*, by Authority of Parliament

Parliament, and the Major, Aldermen, and Burgeſſes of this Town and Borough of *P.* in the office of Recorder, and as the Recorder of this Town and Borough of P. ye ſhalbe faithful and juſt, and give good advice and counſel unto the Major, Aldermen and Burgeſſes of this Town, for & concerning any matter or cauſe that ſhal concern or touch the Franchiſes, Libertics and good orders of this Town, whenſoever they ſhall require or deſire you ſo to do, you ſhall not utter or diſcloſe any of their ſecrets or councel, touching the Fellowſhip or Corporation of this Town, whereby any prejudice, loſſe or hindrance, or ſtander, ſhall or may ariſe, grow, or be to the ſame Corporation: And further, ye ſhall do to your power, wit, and cunning, all and every thing that ſhall appertain to your office, for the moſt benefit, worſhip and credit of this town, and of the inhabitants thereof. So help ye God and the contents of this book.

The Oath of the Town-clerk or Steward.

YOu ſhall ſweare that you well and truly ſhall ſerve the Major, Aldermen, and Burgeſſes of this Town, in the Office of Steward and Town Clerk of this Town and Borough of P. and truly to ſee all Plaints, Actions, Proceſſe and matters in the Courts to be holden before the Major, Aldermen and Burgeſſes of this Town, and by you or your ſufficient Deputy, according to cuſtome and Liberties of this Town, to be entred and recorded as they ought to be, after the beſt of your cunning, wit, or power, taking for the ſame your due fees and the perquiſits, iſſues, profits, and amerciaments of the ſame Courts, you ſhall juſtly and truly write and extract yearly, for the levying and gathering thereof; and you ſhall truly and diligently do and accomplith all other things appertaining to your ſaid office, after the beſt of your knowledge, as neer as God ſhall give you grace, So help you God and the contents of this book.

The

The Oath of the Coroner, if there be any.

YOu ſhall ſwear that you well and truly ſhall ſerve the Keepers of the Liberty of *England*, by Authority of Parliament, and the Commonwealth, in the office of a Coroner, as Coroner of this Town and Borough of P. and you ſhall diligently and truly do and accompliſh all and every thing and things appertaining to your office, after the beſt of your cunning, wit and power, for the moſt quietneſſe, profit, eaſe and credit of this Town, and the inhabitants thereof, taking ſuch fees as you ought to take by the Laws and Statutes of this Realm. So help you God, and the contents of this book.

The Oath of the Receivers.

YOu ſhall ſwear, that you well and truly ſhall ſerve the Major, Aldermen and Burgeſſes of this Town of P. in the office of Receiverſhip, and as Receivers of the ſame town, for and during the ſpace of one whole yeare, now next enſuing, and ye ſhall reaſonably and honeſtly procure the profit of the Corporation of this Town, in thoſe things which touch your office; and ye ſhall alſo well and truly collect, levie and gather, all and all manner of Rents, Revenues, Caſualties, Duties, and Profits belonging unto the ſaid office, and the ſame ſhall truly pay and deliver, and true declaration and accompt thereof make at the time appointed for payment and accompt thereof to be made without concealment: and further, you ſhall diligently give attendance to the Major of this Town and Corporation, according to ancient cuſtom, and every other thing belonging to your office, you ſhall well and truly do and accompliſh to the beſt of your skill or power. So help ye God, and the contents of this book.

The Oath of the Chamberlain, and general Receiver.

YOu shall swear, that you well and truly shall serve the Major, Aldermen and Burgesses of this Town, and Borough of P. in the office of Chamberlain, or general receiver of this Town, and therein shall you do right to all manner of people, both poor and rich, in those things which touch your office; the receit of the money due, or belonging to the Major, Aldermen and Burgesses of this Town and Corporation, you shall truly and safely keep, and have always in a readinesse to the use and behoof of the Corporation of this Town, whensoever occasion shall serve, and not waste or dispend the same, but make true declaration and account thereof, when you shall be thereunto required without concealment, according to the credit and trust to you committed in this behalf. So God you help, *&c.*

The Oath of a Burgesse.

YOu shall swear that you well and truly shall serve the Keepers of the Liberty of *England*, by Authority of Parliament, and the inhabitants of this Town and Borough of P. as one of the Burgesses of this Town, and shall minister equal justice to poor and rich, after the best of your cunning, wit and power, and also shall well and truly observe, perform, fulfil, and keep all such good orders, rules and compositions as are or shall be made, ordered or established by the Common Counsel of this Town, for the good government thereof in all things to you appertaining, and you shall not utter or disclose any counsel or secret thing or matter, touching the Fellowship or Corporation of this Town, whereby any prejudice, losse, hinderance or slander shall or may arise, grow or be to the same Corporation, but you shall in all things belonging to the fellowship and corporation of this

Town

Town, faithfully, honestly and indifferently behave your self, for the most benefit, worship and honesty of this Town, and the Inhabitants thereof; So God you help, *&c.*

The like Oath is to be ministred to an Alderman, *mutatis, mutandis.*

The Oath of the Constables.

YOu and either of you shall swear, that you well and truly shall serve the Keepers of the Liberty of *England* by Authority of Parliament, and the Major, Aldermen and *Burgesses* of this Town and *Borough* of P. in the office of Constableship, and as Constables of this Town, for and during the space of one whole year now next ensuing, you shall endeavour your selves to the utmost of your powers to see the publike peace to be kept, and watch and ward observed and kept in this town, as hath been accustomed, and as it ought to be: likewise you shall endeavor your selves to learn and understand the contents of the Statute of *Winchest.* and divers other Laws and Statutes of this Nation made for the punishment of rogues, vagabonds, and sturdy beggars, haunting and resorting within the precinct of your office, and punish the offendors accordingly. Also you shall punish all such persons, as do or shall play at any unlawful games according to the Statute in that case made and provided, You shall also have regard for the maintenance of Artillery within your said office, and that you shall do and accomplish to the uttermost of your powers. So help you God *&c.*

The Oath of the Serjeants.

YOu and either of you shall swear, that you well and truly shall serve the Major, Aldermen and Burgesses,

gesses of this Town, in the office of a Serjeantship, and as Serjeants of this Town, for and during the space of one whole year now next coming; and you shall well and truly serve, do and execute all and all manner of precepts, warrants and commandments to you and either of you, to be lawfully given and directed, touching or concerning any matter, cause or processe to be moved, had or depending in the Keepers of the Liberty of *England*, by Authority of Parliament Court, to be holden within this Town, according to the Liberties thereof, or at large, and shall make due returnes and answers thereunto, and make Certificate thereof, according to the effect of such Precepts, warrants and commandments, taking therefore your ordinary fees, and none other: And also you shall diligently give attendance unto Master Major, and waite on him, as hath been accustomed, and as you ought to do, and his commandments, messages truly to do and say, and not alter the same, so that it may be prejudicial or hurtful unto the said Master Major or any other: and likewise you shall give attendance and be aiding and assisting unto the Constables of this Town, in any thing that they or either of them shall reasonably and lawfully command or will you to do: and you shall diligently and truly do all other things appertaining to your said office, to the utmost of your power. So help you God, and the contents of this Book.

The Oath of a free-man.

YOu shall swear that you shall be true and faithful to the Keepers of the Liberty of *England*, by Authority of Parliament, and to the Government of the Commonwealth of *England*, as it is now established, and to your power shall aide and assist the Major and other officers of this Town for the time being, and to them shall be obedient and attendant concerning such things as they or any of them shall lawfully and reasonably will or command

command you to do, you ſhall alſo well and truly obſerve, perform, fulfil, and keep all ſuch orders and rules as are and ſhall be made and eſtabliſhed by the Common Counſel of this Town, for the good Government thereof, in all things to you appertaining; you ſhall alſo give, yield, and be contributary to and with the Corporation of this Town, ſo far forth as you ought or ſhall be chargeable to do, and you ſhall not by colour of your freedome bear out, or cover under you any forrein perſon or ſtranger, but according to the beſt of your skill, wit, cunning and power you ſhall uphold and maintain all the Liberties, Franchiſes, good cuſtomes, orders and uſages of this Town and Corporation. So help you God, &c.

The Oath of the Tything-man or petty Conſtable.

THe Oath of the Tythingman or petty Conſtable, is in all points as the Oath of the Conſtable, *mutatis mutandis*, ſaving further that the Tything-man muſt be ſworn to be attendant on the Conſtable when he ſhall execute his office, being thereunto required.

The Oath of an Ale-taſter

YOu ſhall ſwear that you ſhall well and truly ſerve the Keepers of the Liberty of *England*, by Authority of Parliament, and the Lord of this Leet in the office of the Ale-taſter, or Aſſiſor of this Liberty and Hundred for this year to come; you ſhall duely and truly ſee from time to time, that the bread brought to be ſold be truly weighed, and that the ſame to contain ſuch weight, according to the prizes of wheat,

as

as by the Statute in that behalf is provided: likewise you shall have diligent care during the time of your being in office, to all the Brewers and Tiplers within your office, that they and every of them do make good and wholesome Ale and Beer for mans body, and that the same be not sold before it be assayed by you, and then to be sold agreeable to the prices limited and appointed by the Justices of peace, and all faults committed or done by the Bakers, Brewers or Tiplers, or by any of them, you shall make known, and present the same at this Court, whereby due punishment may be inflicted upon them for their offences accordingly, and in every other thing you shall well and truly behave your selfin the said office, for this yeer to come. So help you God, &c.

The Oath of fealty to a Free-holder.

YOu shall swear by the contents of that book, that you will be true and faithful to the Lord of this Mannor, and shall from henceforth, bear, do, and pay to your said Lord, and to his heirs, as termes assigned, all such Rents, Customes and Services, as you ought to pay and do for all such lands and tenements as you claime to hold of him. So help you God, *&c.*

The Oath of the Tongling.

THis hear you the Steward and the Court that I shall swear, that I will true faith and troth bear to the Keepers of the Liberty of *England* by Authority of Parliament, and to the Government of the Commonwealth of *England*, as it is now established: And I shall with all my power, wit and endeavour, defend and maintain the right

right and title of this Commonwealth against all forrein Princes and forrein Potentates, and shall no felony nor treason commit, nor thereunto assent, but as soon as any treason shall come to my knowledge, *I* shall make the same to be known to the Keepers of the Liberty of *England* by Authority of Parliament, or to the Justices of the peace publick, within foure and twenty houres next, and immediately after it shall come to my knowledge, and shall be obedient to all the Laws of *England*, and in all things I shall well and truly behave my self like a true and faithful member of this Commonwealth, during the terme of my natural life. So God me help, *&c.*

The Oath of a Defuier.

YOu shall swear that you *I.S.* from this day during your life, shall be faithful to the Keepers of the Liberties of *England*, and you shall hear of no hurt or damage that may befall them, but you shall disclose it, and to the uttermost of your power you shall defend them. So God you help, *&c.*

The Oath of the Heyward.

YOu shall swear, that you shall well and truly serve the Keepers of the Liberty of *England*, by Authority of Parliament, and the Lord of this Leet in the office of a Heyward for this yeer to come; you shall duely and truly execute all such attachments and other Processe as shall be directed unto you from this Court: and you shall from time to time signifie and present all such Pound-breaches as shall happen to be made within your office.

And

And likewise you shall present all such cattel estrayed as shall usually come within your office, and in every other thing well and truly behave your self during the time aforesaid. So God you help, &c.

The Oath of the Affers.

YOu and either of you shall swear by the holy contents of this book, That you will truly and indifferently tase, assesse and affer all such amerciaments as are presented at this Court: wherein you shall spare no man for love, favour, affection or corruption, nor raise or inhance upon any man (of malice) more grievous amerciaments then shall be thought reasonable; according to the quality of the offence, and the faults committed, and not otherwise. So help you God, &c.

Then must the Steward command all men to stand by, and the two Affers to stand as near him as they can, and he must reade unto them every presentment that ought to be affed, and so that they may rate them accordingly until they have done, and then discharge the Court thus:

Conclusion.

The Bailiff must make an O-yes, and say after the Steward thus: If any man have any more to do at this Court, let him come in, and he shall be heard, or else every man may depart for this time in Gods peace, and the publike, and keep your day here according to custome, if it be a customary Leet, otherwise it must be upon a new warning. And so God save the Lord of this Leet or Law-day, and make us all his servants. Amen.

Now I will shew you how Mannors took their beginning, and within what Mannors a Court Baron shall or may be kept, and within what mannors they may not, as followeth.

Perkins

Perkins fol. 127. saith, That the beginning of Manors was, when the King gave a thousand acres of land, or more or lesse, to a man and his heires for ever. And before the Statute of *Quia emptores terrarum*. A man seised of land, infeoffed another of ten acres, another of twelve acres, a third of twenty acres, to be holden of himself, and the tenants to do him service, and pay him a quit rent, and so by this means by continuance of time out of the memory of man such donor or feoffer had a Mannor.

Also 33. *H.* 8. *tit. Comprise.* A man at this day cannot make a mannor; For although that a gift in taile be made to divers to hold of the donor by his services or suit of Court, although this be a tenure, yet it cannot make a Court; for it cannot be without prescription.

Also if a man have a Mannor, and all his free suiters but one do commit felony, or die without heirs general or special, whereby their land escheats, or if the Lord purchase their lands, the Mannor is destroyed: for it cannot be a Mannor without Suiters, there must be two at the least, as it appeareth by 35. *H.* 8. *tit. Tenures* 102. *m.* And in 26. *H.* 8. 4. Two Copartners made partition of a Mannor, so that either of them had parcel in demesne, and parcel in service; in this case either of them hath a Mannor, and either of them may keep a Court Baron, if either of them have two Suiters; otherwise not. But 12. *H.* 4. 15. Partition is made of a Mannor, so that one Copartner hath the demeans, and the other the services, suit of Court in this case is suspended; and so long as the Mannor continues so, there can be no Court kept. And 8. *H.* 7. 4. it is held, That a Court Baron is incident to a Mannor, of common right, so that within every Mannor there ought to be a Court Baron, although there be no suiters belonging to it, or although by partition the suit is suspended, as is aforesaid. And 34. *H.* 6. 53. But note, That divers are called Mannors, where there are not free suiters, but only Copi-

holder,

holders, *Ad voluntatem Domini secundum consuetudinem Manerii.* And yet those Seigniories are called Mannors, and there are Court-Barons kept to grant Copihold estates; otherwise they cannot be granted by Copy, but by lease they may, and by that means a Mannor will be utterly destroyed.

The

THE Manner and forme how to keep a Court BARON.

§. THE *Court-Baron of I. F. and P. his wife, there held the twelfth day of* October, *the year*, &c. *by me* I. W. *Steward there.*

Then command the Bailiffe to make an O-yes, and say after you thus, All manner of persons, that have any thing to do at this Court, draw near and give your attendance, and if any man will be essoined or enter any plaints, let them come forth, and they shall be heard.

Then let the Bailiffe say after the Steward, Essoines and proffers of suit or plea, three times for this Court, and if any will be essoined, let the essoiny for suit of Court be entred thus:

I. S. Essoined is for suit of Court by T. D.

And if any will enter any plaints, then let them enter their plaints thus.

W. K. *plaines against I. H. a plea of debt or trespasse, or taking or unjust detaining of his beasts, or such like.*

Then call the Freeholders, and ſo many as make default, preſent their names, and mark them over the heads thus.

Amerced two pence. *Amerced two pence.*

Richard W. *Knight, and* M. B. *Gentleman, are freeholders of this Court, and have made default, therefore each of them is amerced as appears upon their heads.*

{*Will. Kelſey.* *Joh. Valtor.* *Rob. Corſe.* *Joh. Mathew.*} Jur. {*Joh. Newman.* *Mathæus Bull.* *Joh. Hoult* and *Thomas L.*} Jur.

The Foremans Oath.

YOu ſhall ſwear that you as Foreman of this Homage, with the reſt of your fellows, ſhall duely enquire, and due preſentment make of all ſuch Articles and things as ſhall be given you in charge, and therein you ſhall not ſpare no man for love, favour or affection, nor preſent any man for malice, hatred, or envy, but according as things here preſentable, ſhall or may come to your knowledge by information or otherwiſe, ſo ſhall you make thereof true preſentment, without concealement. So God you help, and the contents of this book.

Then call the reſt of the Homage, and ſwear them by four at a time thus: The ſame Oath that *W. Kelſey* your Foreman hath taken before you on this part, you and every one of you ſhall obſerve and keep of your parts. So help you God and the contents of this book.

Then let the Bailiffe call them by name, and bid them ſtand near and hear their charge.

An Exhortation to the Jury before the Charge.

SIRS, You that be ſworn, before I enter into your Charge, I purpoſe by Gods aſſiſtance to deliver unto you the cauſes of your Aſſembly here together, which are two; one is, for that you hold lands of the Lord of this Mannor, ſome as Freeholders, and ſome as Copiholders, and therefore by reaſon of your tenures you ought to appear at this Court ſo often as it ſhall be kept, and here to do your ſuit and ſervice, or elſe to be amerced; and the other cauſe of your coming hither, is to get knowledge by hearing of the Lawes and Cuſtomes of this Court dilated upon unto you, and hereby you may be the better taught inſtructed and enabled, to know how to perfotm your duties in doing well and eſchewing evil. And for that you ſhall the better conſider and enquire of, and preſent all things which are now here preſentable, I have miniſtred unto you a corporal oath, which oath ſtandeth upon three parts (that is to ſay) upon Truth, Judgment and Juſtice. It ſtandeth upon Truth, for that you ought to preſent nothing but the Truth, and likewiſe not to omit any thing that is true and preſentable here unpreſented; It ſtandeth upon Judgement, that you do not preſent any thing raſhly or unadviſedly, but certainly to know the truth thereof before you do preſent it: And it ſtandeth upon Juſtice, that you do not for favour, affection, corruption of money, or other reward, for fear of any mans diſpleaſure, or for any private gain or profit, leave any thing unpreſented that is here preſentable, neither for malice to preſent any thing contrary to the truth. Theſe three principal things you ought duely to conſider of, and ſo hoping that you will have a ſpecial care thereof, according to your oaths and duties, and the truſt that is repoſed in you, I will ceaſe to trouble you any further at this time by way of exhortation, and proceed to your Charge.

The Charge.

FIrst, you shall enquire, whether all such persons as owe suit and service to this Court, be here to do the same or no: and if any make default, you must present their names.

And I must tell you, if there be two Coparcenes, or two Joyntenants which do owe suit and service to this Court for any Lands which they hold of the Lord of this Mannor, the one of them ought to be here to do the same suit, and the other ought to be contributer to his charge.

Also if any Tenant having twenty acres of land, granteth or letteth the same to twenty several persons, in this case every one of those twenty ought to do such suit and service as hath been accustomed to be done for the same land.

Also, you shall enquire if any tenant be dead since the last Court, or before, and his death as yet not presented then you shall enquire what land he held of the Lord of this Mannor, and by what tenure or service he held the same, whether by Knights service, Soccage tenure, or by Copy; and what benefit or advantage is fallen to the Lord by his death; whether ward, marriage, relief, escheat, or any other profit, and who is his next heire, and of what age he is, and in whose custody he is: for if any Tenants which holds by Knights service die: and his heir male under the age of twenty one years, and not married, then the Lord shall have the wardship and marriage of such heir male: but if it be a female, and under the age of 14. years and not married, then the Lord shall have likewise the wardship and marriage of such heir female; and if the heir male be 21. years at the death of his ancestor: or the heir female fourteen years, then the Lord shall have only a relief, which is, if they held by a whole Knights fee, a hundred shillings; if by the moiety of a Knights fee, fifty shillings, and so according to the rate of their tenure.

Also if any tenant which held by Soccage tenure be dead, his heir being under the age of fourteen yeares, the

Lord

Lord ought to have the value of his land for one yeer for a relief, which is due immediately after the death of the Tenant, and the next of kin to the heir to whom the inheritance cannot descend, ought to have the wardship of such heir.

Also if any customary Tenant or Copiholder, hold two parcels of land by herriot service, and by several copies, if such tenant die thereof seised, the Lord ought to have two herriots.

Also you shall enquire whether any of the Lords tenants be dead without heir general or special; if there be any such, then the Lord ought to have his land by escheat.

Also if any bastard hath purchased any land within this Lordship, and is dead without issue of his body lawfully begotten, then the Lord ought to have his land by escheat.

Also if any Freeholder of this Mannor hath committed felony, and thereof hath been attainted, that is, either hath confessed the felonie, or hath been convict by verdict of twelve men, or fled. and thereupon outlawed for the felony, in this case the Keepers of the Liberty of *England* by Authority of Parliament must have year day and waste, in his land, and after it ought to come to the Lord by escheat.

Also if any Copiholder hath committed felony, and therefore hath been attainted as is aforesaid, then the Lord may enter into his Copihold for a forfeiture.

Also if any Copiholder hath leased his Copihold for any longer time then a year and a day without the Lords license, it is a forfeiture of his Copihold, unlesse he may do it by the custome.

Also if any Copiholder deny to pay his rent, or deny to come to his Lords Court, or deny to be sworne of the homage, or deny to go with his Lord to suppresse rebels, every one of these denials is a forfeiture of his Copihold.

Also if any copiholder hath sold any of his copihold land by deed, and made livery of seisin thereof according to the deed, it is a forfeiture of so much as he hath so sold.

Alſo if any Copiholder hath cut down any timber trees within his Copihold without licence, or lopped any Timber trees there at an unſeaſonable time of the year, by reaſon whereof they die, either of both is a forfeiture of his copihold.

Alſo if any copiholder ſuffer his copihold tenement, to decay and fall down for lack of reparations, it is a forfeiture of his copihold.

Alſo if a Copiholder be a Recuſant, if his Lord alſo be not a Recuſant, he ought to forfeit his copihold eſtate according to the ſtatute law made *Anno* 35. *El*

Alſo if any copiholder have ſurrendred his copihold tenement into the hands of two of the tenants ſince the laſt court to the uſe of any perſon, every ſuch ſurrender ought to be preſented at this Court, or elſe the tenants which took ſuch ſurrender ought to forfeit their copiholds, becauſe it may be thought if they do not preſent it, that they go about, not only to defeat the Lord of his fine, but alſo to diſinherit the Party, to whoſe uſe the ſame ſurrender was taken.

Alſo if any Copiholder having two copiholds, hath empaired the one to amend the other, this is a forfeiture of the copihold that is empaired.

Alſo if any Villain or Bondman of blood, hath purchaſed any land within his Lordſhip, the Lord may ſeiſe both it and ſuch Villains goods at his pleaſure

Alſo you ſhall enquire whether any Tenant of this mannor hath given any of his lands in mortmaine, That is to ſay, to any religious houſe, religious perſon, and their ſucceſſors, or to any Guild, Fraternity or Corporation, and their ſucceſſors, without the Keepers of the Liberty of *England*, by Authority of Parliaments licence, and the Lords of this Mannor, for it is here inquirable and preſentable to the end that the Lord, if there be any ſuch grant made may make his claim within the yeare and the day; according to the ſtatute in that caſe made and provided.

Alſo if any Tenant hath ſold his land by Deed, and hath

hath not given notice thereof to the Lord, nor he which bought it hath not done his fealty to the Lord, or ſuit of Court, ſo that by reaſon thereof the Lord doth not know who is his tenant; therefore you ought to preſent it: for it is very needful and neceſſary, that the Lord ſhould know who is his Tenant, by reaſon of his ſervices and eſcheats which may grow due unto him.

Alſo if any Tenant within this Lordſhip hath ſuffered any houſe of husbandry to decay by taking of the land from it to lay it to another, in this caſe the Lord ought to have the moity of the profits thereof to his own uſe, until it be made and maintained a husbandry again, and this you ought to enquire of for the Lords benefit.

Alſo if any Tenant hath incloſed any land, which hath been accuſtomed to lie open, without the Lords licence and the Freeholders, you muſt preſent it, for he cannot juſtifie the doing thereof.

Alſo you ſhall enquire whether any of the Lords lands within this Mannor be withholden from him, and held and occupied without his licence, if there be any ſuch thing, then you muſt enquire by whom it is withholden, and what land it is, and what it is worth by the yeare, and how long it hath been withholden, that the Lord may recover his damage for the withholding thereof accordingly.

Alſo you ſhall enquire whether there be any rent cuſtome, or ſervice, behinde and unpayed to the Lord of this Mannor, by whom it is due, and what rent, cuſtome, or ſervice it is, how long it hath been withholden, and where the land lieth, that the Lord may diſtrain for the arrearages thereof.

Alſo you ſhall enquire if any Bailiffe or other officer of this Mannor, hath made any arreſt for any rent, cuſtome or ſervice due to the Lord of this Mannor, and reſcouſe therein hath been made, you ought then to preſent him or them which made the reſcouſe, and where and when it was done.

Alſo if any diſtreſſe hath been taken and put into the

lords pound, and hath been taken out from thence without leave or authority of the law, then such taking is a pound breach, and here inquirable and presentable.

Also it any tenant doth surcharge the common by putting more cattel there then by the custome he ought to have go there, or by putting of cattel there not commonable, as pigs, goats and geese, and such like, you must present them.

Also if any Tenant of this Mannor, having two Farmes, one in this Mannor, and another in another Mannor, doth use in the Summer-time, or open time of the yeer, when corne and hay is housed, to bring cattel from his other farm, unto his farme within this Mannor, which hath been usually kept at his other farme out of this Mannor, this is called chasing, and here requirable and punishable, unlesse these cattel be kept within his own several grounds, and not in the common fields.

Also if any man hath removed any bounds or marks, meer-stones or stakes, between this Lordship and any other, or between tenant and tenant, you must present their names; for it is an evil office, and they deserve to be punished for it.

Also if any man hath fished, hawked or hunted within this Lordship, without the leave or license of the Lord of this Mannor, you must present them, for they are the Lords Realties, and therefore no man can lawfully come here to do either one or the other without his leave.

Also if any tenant by reason of his tenure ought to grinde at the Lords Mill, if he do it not you must present him.

Also, if you know any man that keepeth, detaineth, or withholdeth any of the Lords evidences of this mannor, as court-rolls, rentals, or immuniments appurtenant and belonging to the Lord of this Mannor, you must present them, for it is fit that the Lord should have the custody of this evidence himself.

Also if there was any thing pained at the last Court

to

to be done, and as yet is not done, you must enquire who have made default therein, and present his heirs, or their names: And you shall likewise enquire of all other things which you shall think needful to be enquired of, by me omitted, and not given you in charge, as well as if I had given you it in charge, and so bring in your presentment in writing, by one of the clock in the afternoon.

Then let the Bailiffe make an O-yes, and adjourn the Court till after dinner thus;

All manner of persons that have any more to do at this court, may depart for this time, and keep their hour here at one of the clock in the afternoon.

And then after dinner, call the Jury for their presentments; and if they be ready, take them, and sweare two Affiers to affier them, as before at the Leet.

This being done, let the Bailiffe make an O yes, and discharge the Court thus. All manner of persons which have any more to do at this Court, let them come forth and they shall be heard, or else they and every one else may depart for this time, and keep their day here upon a new warning, and so God save the Commonwealth of *England*, and the Lord of this Mannor.

Fealty to be ministred to a customary tenant.

YOu shall swear that you shall be true Tenant, and faith and truth shall bear to the Lord of this mannor, and to his heirs, for all such customary lands, and tenements as you claim to hold of him, by vertue of your copie, for term of your life: you shall also well and truly bear, pay, and do all such rents, customes and services as are and shall be from time to time to be paid and done for the said lands to your said Lord, and his heires: you shall also be justified by your Lord and his officers, in every thing as a customary Tenant ought to be justified: and you shall in every other thing well and honestly behave your self so long as you shall be tenant. So help you God, and

and the contents of that book, And ſo let him kiſſe the Book to affirme his Oath.

But this Oath muſt be miniſtred before the Court be ended.

The Oath of the Reeve or Bailife of a Mannor.

YOu ſhall ſwear that you ſhall well and truly ſerve the Keepers of the Liberty of *England* by Authority of Parliament, and the Lord of this Mannor for the yeer to come, in the office of the Rieve or Balliſe of the ſame Mannor; and you ſhall duely and truly gather all ſuch rents, revenues, or other yeerly profits as ſhall be extracted out unto you, and thereof you ſhall make and yield up a true account at the end of the ſaid yeare, and in every other thing you ſhall well and honeſtly behave your ſelfe in the ſaid office during the time aforeſaid. So help you God and the contents of that book. This muſt alſo be done before the end of the Court.

And the preſentments are to be put into this forme by the Steward of the Court thus, *viz.* next after the preſentment of the Freeholders for their defaults, the copiholders thus:

Default of Copiholders.

Alſo the Jury ſay upon their Oath, that W.I four pence, and J.R. foure pence, are tenants by Copy-Rolls of the Court, and owe ſuit to the Court, and at this day have made default, therefore is each of them amerced as appers upon their heads.

Death.

Alſo they preſent that W.N. who of the Lord held freely one meſſuage, and thirty acres of medow and paſture, with the appurtenances within this Lordſhip, by fealty and ſuit of Court and by rent annual of ſix pence, died of ſuch eſtate ſo ſeiſed and

and that R.I. is the ſon and next heire of the aforeſaid W.I. and is of the age of ten years, and to this Court came the aforeſaid R.I. and paid to the Lord for relief ſix pence, and made fealty.

Alienation.

Alſo they ſay upon their Oath, that G.B. who of the lord held freely one meſſuage, one Orchard, and ſix acres of medow with the appurtenances; by his deed indented bearing date the ſixt day of I the year &c. gave, granted, bargained and ſold, all and ſingular the premiſſes aforeſaid, with the appurtenances to R.K. of &c. to have and to hold all and ſingular the premiſſes aforeſaid, with their appurtenances to the aforeſaid R.K. his heires and aſſignes of the chief lords of the fee by the rent ſervices and cuſtomes &c thence heretofore due, and of right accuſtomed, and the premiſſes he holds of the lord of this mannor by fealty and ſuit of Court, and by rent annual of 12. pence, and at this Court the ſaid R.K. made to the Lord fealty.

Legation.

Alſo they ſay upon their Oath, that W.A who of the Lord held freely one meſſuage or tenement, and twenty acres of land called H. by fealty, ſuit of Court and by rent annual of ſix pence died ſeiſed, and by his laſt will written made bearing date the 28. day of Sept the year, &c. deviſed the meſſuage or tenement, and the aforeſaid twenty acres of land to certain R.A. and T.A. his ſons, by the name of all his lands, tenements and hereditaments ſituate lying and being in I. aforeſaid, to have and hold the aforeſaid meſſuage or tenements to the ſame R.A. and T.A. their heirs and aſſignes for ever, to the proper behoof and uſe of them R T. their heires and aſſignes for ever. Therefore is it commanded to the Baily to diſtrain the aforeſaid R.A. and T.A. according to the forme of a Statute in that caſe provided to pay relief, and alſo diſtrain to do fealty.

Upon

Upon Surr.

Also they say upon their oath that R.R. tenant customary of this mannor, out of Court surrendred into the hands of the Lord, *by the hands of W.T. and R.W. two customary tenants of this mannor, all that messuage and thirty acres of land medow and pasture with the appurtenances now in the tenure and occupation of R.B. to the behoof and use of the aforesaid R.R for tenure of his life natural, and after the decease of the said R.R then to the behoof and use of T.B. and the heirs of the body of the said T. lawfully begotten, and for defect of such issue of the body of the said T.B. lawfully begotten, to remain to I.I. the son of R.I. gentleman, his heires and assignes for ever; and they say that the aforesaid R is dead, and now to this Court the aforesaid T.B. comes and requires to be admitted to all and singular the premisses aforesaid, and at this Court the* Lord *by I.K. his seneschal has granted thence to him seisin by the verge; to have and to hold to him T.B. and the heirs of his body lawfully begotten; and for defect of such issue, to remain to the behoof and use of the said I.I. and his heirs for ever; and the aforesaid T.B. gave the* Lord *as for his fine four pounds, and he did to the* Lord *fealty, and is admitted thereof tenant.*

Surrender by the Seneschal taken.

At this Court witnessed is by W.T. seneschal that W.N. on his death-bed lying the tenth day of A the year &c. surrendred into the hands of the Lord, *by the hands of the same Seneschal (absent being the Court) in the presence of R.C. R.P. and C.H. one tenement called M in which now dwels W.G. with all his lands and tenements, within the manor of I to the behoof and use of M. his wife for term of her life, and after the decease of her M. to remain thence to W.T. the son of the aforesaid W the father and G the daughter of the same W. the father, and the sister of the aforesaid W. the son, and to their heirs: yet upon condition following that if it happen any of the aforesaid W the son, or G. the daughter, to die without heir of his or her body issuing, that then he or she which soever shall survive,*

vive, shall have and enjoy the tenements aforesaid to his, or her and their heirs for ever; and upon this came into this Court the aforesaid M. and requires to be admitted to the tenements aforesaid with the appurtenances, to whom the Lord by I.K his seneschb granted thereof seisin by verge to have to her in forme aforesaid, at the will of the Lord according to custome of the mannor, and she gives to the Lord her fine for her entrance thereupon to be had, and maketh to the Lord fealty, and admitted is thereof tenant.

Death of the Copiholder.

Also at this Court found it is by the homage that a certain W W. one of the sons and heir of R W. deceased, held of the Lord to him and his heirs according to the custome of the mannor, the moity of two messuages or tenements, and of one garden with the appurtenances in I. and long before this Court, died thereof seised, within the age of ten years, and in the custody of R W according to the custom of the mannor, and that S W. is the brother and sole heir of the aforesaid W.W and of full age, who present is here in Court, and requires to be admitted to all the lands and tenements, customary of which he the aforesaid W.W. died seised, viz. to the aforesaid moity of two Messuages or Tenements a lost and garden with the appurtenances within that Mannor, to whom the Lord by I.K. his Seneschal, granted thereof seisin, to have and to hold to him and his heirs of the Lord by verg. at the will of the Lord according to custome of the Mannor aforesaid, by the Rents, Customes and Services therefore heretofore due and accustomed; And he giveth the Lord for a Fine for his entrance, as it appears over his head; And maketh to the Lord fealty, and is admitted thereof tenant.

Surr. in Court.

Also to this Court came I.T. and surrendered into the hands of the Lord ten acres of land more or lesse with the appurtenances called S. foure

foure acres of land more or lesse called K. and four acres of medow more or lesse called C. customary to the behoof and use of R.B gentleman, his heirs and assignes for ever by verge at the wi. of the ord according to custom of the manor aforesaid, to which R.B the Lord by his Seneschb. granted seisin to have and to hold to him and his heirs of the Lord by the rent of ten shillings by the year and other services, therefore heretofore due, and he giveth the Lord for a fine for his entrance thereupon to be had, four pound and made to the lord fealty, and is admitted thereof tenant.

Death of a Parcener.

Also the homage say upon their oath that a certain R.S. who of the lord held as parcener by custom of the manor, nine acres of land customary with one grange together with T.S. his brother to him and his heirs, died about the last Court so seised, and that a certain I.S. is son and next heir of the same R. as to the moity of the aforesaid land and grange aforesaid and is of age eight yeers and upon this as well the custody of the aforesaid I.S. as the land and grange aforesaid are committed to a certain S.I. as to his good friend &c. And he found pledg in Court E.N. to render to the aforesaid I the profits thereof, when the age of fourteen years he should attain.

Encroachmen.

Also they say upon their oath that R.W. has encroched upon the waste of the lord at C. in length ten yard lands, and in bredth one yard land therefore he is amerced &c. and ordained it is, that he expose the same before the feast of St. John Baptist next under the penalty of forfeiture to the lord for every yard land two shillings six pence.

Rescuous.

Also they say upon their oathes that G.B. the Baily of the lord such day and year &c. within that lordship distrained H.H. for rent of the lord then by the said H.H. behinde and not paid, And that the aforesaid H. then and there rescuous made upon the same G.B. therefore is be amerced, &c.

The forme and manner of divers grants and surrenders, aswell of Copiholders of inheritance, as also of Copiholds for lives, as followeth.

Brox-

Broxhead.

TO the Court of the Manor there held the fourteenth day of Febr. the year &c. came N.R. and took out of the hands of the Lord one meſſuage and yardland with the appurtenances in B lately in the tenure of J. A. to have to him and R.P his ſon, and to A. now the wife of the ſaid N. for the term of life of them, and either of them longeſt living ſucceſſively according to the cuſtome of the mannor aforeſaid by rent and ſervice, before thence due and accuſtomed, and he giveth to the Lord for ſuch eſtate, ſo thereof to be had, three pound and maketh to the Lord fealty, and is admitted thereof tenant, and the fealties of the aforeſaid R. and A. are reſpited until, &c.

By *I.W.* Seneſch there.

Forfeiture of Cop. and retaking.

TO this Court, &c. the homage preſent that P.C. lately the relict of I.C. which of the Lord held, during her widowhood, according to the cuſtome of the mannor one meſſuage, &c. with the appurtenances in A. took for husband R. L. by which forfeited ſhe has her eſtate in the premiſſes, and ſo remaineth it in the hands of the Lord, upon which proclamat, made is, If any one &c. whereupon came the aforeſaid R.L. and took out of the hands of the Lord one meſſuage, &c. with the appurtenances, to have to him for terme of his life, according to cuſtome of the mannor aforeſaid, by rent and ſervices thereof before due, and of right accuſtomed, and he giveth to the Lord for a fine, ſuch ſtate ſo thereof to have, ſix pound and maketh to the Lord fealty, and admitted is thereof tenant.

Grant of Reverſion.

TO the Court, &c. came W.H. and took out of the hands of the Lord, the reverſion of one meſſuage, &c. with the appurtenances

in Y now in the tenure of I.H. widow lately the wife of W.H. to have and to hold the reversion aforesaid, to the aforesaid W.H. and B. his son for term of the lives of them, and either of them longest living successively according to the custom of the manor aforesaid, when by the death surrender or any forfeiture of the foresaid I. in any manner done or committed to the hands of the Lord to come it shall happen, by the rents and services therof, before due and of right accustomed, and he giveth to the Lord for a fine for such reversion, so thereof to be had seven pound, and his fealty is respited until, &c.

Death.

THe Jurors present, that I.C. who of the Lord held one tenement with its appurtenances in I. in which I C. the father of the aforesaid I. lately dwelt deceased, about the last Court, whence fell to the Lord for Heriot one Ox of the price of fourty shillings, delivered to the use of the lord of this manor, wherupon proclam. made was in Court. If any man, &c. upon which came Anne the relict of the aforesaid I. and claims the premisses during her widowhood, according to the custome of the manner by rents works, customes and services therof due and accustomed, &c.

Surr. and retaking.

TO this Court came C.W. who of the Lord held by Copy Roll of the Court, dat. &c. one tenement, &c. with the appurtenances in E. sometime in the tenure of R.C and all those surrendred into the hands of the Lord, and all his estate, title, and interest in the premisses with that intention that it would please the Lord a new grant thereof to him the aforesaid C.W. and others to make, according to the custome of the manor aforesaid upon which surrender there fell to the Lord for Heriot of agreement twenty shillings, and into the same Court came the said C.W. and took out of the hands of the Lord the said tenement, &c. with its appurtenances, to have to the same C.W. R. and I.W. his sons for term of life of them and either of them longest living successively, according to the customs of

the Mannor aforesaid, by the rent, works, customes, and services thereof before due and of right accustomed, and for such estate and entrance so thereof to be had, the aforesaid C. W. gives the Lord for fine 26. li. and maketh to the Lord fealty, and so the aforesaid C. W. admitted is thereof tenant. and the fealties of the aforesaid R. and I. respited are until, &c.

Grant of Copyhold of inheritance by the yard.

AT this Court the Lord granted out of his hands by I. F. his chief Seneſch. to T. D. and A. his wife, one Meſſ, &c. with all the appurtenances lying at B. to whom the Lord by his Seneſch. aforesaid granted ſeiſin to have to them and their heires of the Lord by the yard, at the will of the Lord, according to the custom of the Mannor aforesaid. and they give the Lord for a fine for entrance thereof to be had, as it appears upon their heads, and be made to the Lord fealty, and is admitted thereof tenant.

Grant for annual Rent.

AT this Court the Lord granted by I. F. his Seneſchal to T. B. and M. his wife one Meſſuage, with ſix acres of land, &c. with the appurtenances to the aforesaid T. M. their Heires and Aſſignes, at the will of the Lord, according to the custome of the Mannor, rendring therefore yearly to the Lord his heirs (and ſucceſſors if the Lord be a Biſhop or Dean, &c.) 6. s. 8. d. for all and ſingular the ſervices at two termes of the year, viz. at the feaſt of S. Mich. the Archangel, and the Annunciation of the bleſſed Virgin Mary, by equal portions, and they give to the Lord for a fine, &c. and made fealty, and are admitted thereof tenants.

Court in ancient Demesne.

TO this Court held there such day and year, A.C. the son and heire of I.C. came, and surrendred into the hands of the Lord one Messuage, &c. in D. within the Iurisdiction of this Court, to the behoof and use of T.H. his heirs and assignes for ever, by vertue of bargain or partition betwixt them made, and upon this publick proclamation in the same Court made was, that if any man any right or title to the same Messuage, Land, &c. or in any parcel thereof pretend will, or has, he should come and be heard, and no man came at this Court, wherefore according to the customs of the Mannor aforesaid, the Mess. and Land, &c. remain should in the hands of the Lord, until the third Proclamation them concerning be made, whereupon day is given to the parties aforesaid, to be at the next Court of the Mannor aforesaid, to hear thereof their judgment upon the premisses.

And at this Court held there such day and year, as well the aforesaid A.B. as the aforesaid T. H. came, and hereupon the second Proclamation made was concerning the premisses, that if any man any right or title to the same Messuage, Land, &c. has or pretends, he should come and be heard, and no man came, and upon this day was given to the parties aforesaid to be here at the next C. of the Mannor

aforesaid,

aforesaid, to bear thereof their judgement upon the premisses.

And at this Court there held such day and year, as well the aforesaid A.C as T.H came, and hereupon the proclamation made was upon the premisses, that if any man any right or title to the aforesaid Messuage, Land &c. or in any parcel of these has or pretends, he should come and be heard, and no man yet came, whereupon the Lord by I.H. his seneschal granted hath, seisin of the aforesaid Messuage, &c. with their appurtenances aforesaid to I.H. to be held to him, his heires and assignes, according to the custome of the Mannor aforesaid, and he gives to the Lord for a fine for his entrance &c. and made to the Lord fealty, and is admitted thereof Tenant.

Otherwise in ancient demesne where the wife is examined.

AT the Court held there such day and yeare, T.B. of N. and E. his wife in the presence of the Court alone examined and confessed, surrendred into the hands of the Lord, one Messuage and half an Oxgang of land with the appurtenances in D. called R. to the use of W.C. of O. whence fell to the Lord one horse for Heriot, and upon this came the said W.C. and took of the Lord the said Messuage, &c. with the appurtenances, to have and to hold, to him and A. his wife, and the heires and assignes of him W. for ever, according to the custome of the Mannor aforesaid, by the rent customes and services thereof before due and accustomed, and they give to the Lord for a fine for entrance to have in the said Messuage, and other the premisses, &c. and they made fealty, and are admitted thereof Tenants.

Surrender to the Baily out of Court.

At this Court, &c. found it is, that T.C. out of the Court, surrendred into the hands of I.B. Baily, in the presence of D.R. and other the Tenants of the L. of this Mannor this witness. one acre of land in R. heretofore the Land of T.R. to the use of W.I. to whom the Lord thereof granteth seisin, to be held to him and his heirs, &c.

A Surrender upon Condition.

TO this Court, &c. came I.C. and surrendred into the hands of the Lord, one Cottage lying, &c. to the behoof and use of I. A. to be held to him and his heires of the Lord at the will of the Lord, according to the customs of the manner, under the Conditions following, viz. if the aforesaid I.A. pay, or to be paid cause to the aforesaid I.C. xl.s. at the Feast of Saint John Baptist, *and all Saints next coming, after the date of this Court by equal portions, that then the present surrender to be of strength and effect, and if he fail in the payment aforesaid, in part or in whole, that then well may the aforesaid I.C and his assignes to re-enter, and again have the aforesaid Cottage, this surrender in any thing notwithstanding and he giveth the Lord for a fine, &c. and made fealty, and admitted is thereof Tenant.*

Grant of a Copyhold forfeit.

AT the Court, &c. held such day and year, &c. commanded it was to the Baily to seise into the hands of the Lord, one Tenement, with the appurtenances lately in the tenure of I.B. called R. for that he alienes and sold the said Tenement to a certain T V. without the License of the Lord, &c. And therof shall be answer to the Lord for the issues un i', &c. And in this same Court the Lord of his grace

special

ſpecial hath granted the ſaid tenement with appurtenances to the aforeſaid I.B. to whom the Lord thereof hath granted ſeiſin to have to him and his heirs, &c. of the Lord at will according to the cuſtome of the Mannor aforeſaid, and he giveth the Lord for a fine, &c. and hath made to the Lord fealty, and admitted is thereof tenant.

Copy for tearm of yeirs.

AT this Court the Lord by I.F. his Seneſchal granted to E.R. one Meſſuage, &c. with the appurtenances called A. to have and to hold to him and his aſſignes, from the Feaſt of Saint Mich. *the Archang. next to come after the date of this Court, to the end and terme of fourty yeers from thence next following, and fully to be compleated, rendring therefore annually twenty ſhillings at two tearms of the year, viz. &c. by equal portions; provided alwayes, that during the term aforeſaid, the aforeſaid Lord ſhall finde Timber, Mortar, and Wood, as oft as neceſſary it ſhall be the ſaid tenements to mend, repair, and ſuſtain, and he giveth the Lord a Fine, &c. and made the Lord fealty, and admitted is thereof tenant.*

Releaſe in Court of a title.

AT this Court held, &c. found it is, that the Lord by T.P. his Seneſchal, at the Court held at C. ſuch day and year granted into the hands of W.P. and to his heires one piece of ground containing about three acres of Land more or leſſe, ſometime the Land of T.C. in A. lying there betwixt the Land of I.B. on the South part, and the Land of W.S. on the North part to have and to hold, &c. at the will of the Lord according to the cuſtom of the Mannor, and after came a certain A.W. before the aforeſaid T.P. ſeneſchal of the Lord, and pretends to have title to the ſaid piece of land, and here preſent in the Court, remiſed, releaſed, and for ever quit claimed, to the aforeſaid W.P. and his heires, by licenſe of the Lord at his right and claim which ſhe has or had, or for the future have may in the aforeſaid piece of Land, and in any parcel thereof, ſo that

viz. neither he A. nor his heires, nor any other in the name of them, any right or claim in the aforesaid piece of land hereafter make or challenge may, but from all action of right or claim be excluded for ever by these presents, and giveth to the Lord, &c. and maketh fealty, &c.

Grant to the heir after the fathers death.

AT this Court held, &c. found it is, that I. B. died seised, after the last Court, who of the Lord held to him and his heirs one tenement called E and died thereof seised, and they say that R. B. his sonne is next heir, and of full age, or within age, if he be within age viz. of 12. yeares, and in the custody of T. W. or R. M. his brother or kinsman, and present here in Court, sues to be admitted, & admitted it is thereof tenant, to hold to him and his heirs of the Lord at the will of the Lord according to the custome of the Mannor, &c. and giveth the Lord for a fine, &c. and maketh to the Lord fealty, &c. Otherwise of an entail with remainders.

AT this Court found it is, that R. B. of A. at the Court held such day and year, &c. at E. surrendred into the hands of the Lord one tenement, &c. called C. to the use of R. B. the son of the same R. and A. his wife, to whom the Lord granted seisin to hold to them and the heires of their bodies lawfully begotten. And if the aforesaid R. and A. his wife shall die without heirs of their bodies lawfully begotten, that then the aforesaid tenement, &c. with the appurtenances, shall remain to the right heirs of him R. B. And now this Court is informed by the whole homage that the aforesaid R. and A. are dead, without heirs lawfully betwixt them begotten, and the aforesaid R. B. likewise, and hereupon comes I. B. brother and heir of the aforesaid R. B. and sues to be admitted, and admitted is tenant, &c. and by license of the Lord, the aforesaid I. B. sues to be admitted to the aforesaid tenement with the appurtenances, to whom the Lord thereof granted seisin, to hold at the will of the Lord according to the custome of the Mannor, and giveth the Lord for a fine, &c. and maketh to the Lord fealty, &c.

Other-

Otherwise. A copy for life, with divers Remainders over.

TO this Court came A.T and surrendred into the hands of the Lord one Messuage and eight acres of land customary called l. that the Lord may do thereupon at his will, and the Lord thereof had seisin, and of his grace special he re-granted the aforesaid Messuage and land to the aforesaid A.T. and K. his wife, during their lives, so that after the decease of them, the aforesaid land and tenement should remain to the right heires of him A.T. for ever, to hold to the same A.T. and K. his wife, during the life of them by the verge at the will of the Lord, according to the custome of the Manner in forme aforesaid, saving the right of every man, and the aforesaid A.T. and K. gave the Lord for a fine, &c. and made fealty, &c.

Surrender out of the Court, and Remainder with Condition upon the death-bed.

AT this Court found it is, that R: l. languishing on his death-bed, surrendred into the hands of B.R. out of the Court by the hands of I.H. in the presence of A.C. and B D. tenants of this Mannor, this Test: one Messuage with the appurtenances, &c. to the use of A: the wife of the aforesaid R: l: to hold to her by the service therefore due according to the custome of the Mannor for terme of her life, so that after the death of the said A: the aforesaid Mess: shall remain to l: the son of the aforesaid R: and A and the heires of his body lawfully begotten: And if it shall happen that the said l: shall die without heire of his body lawfully begotten, that then the aforesaid Messuage by the Executors of either of them longest

living

living be sold, and the moneys thence received, and arising on the poor, and other almes to be disposed, and distributed, as to them best shall seem expedient, to whom the Lord thereof granted scisin to hold in forme aforesaid, as the will of the Lord according to the custome of the Manner, and they give the Lord for a fine &c. and make fealty, &c.

Supplication of the Tenant to the Lord.

TO this Court came R.C instantly supplicating, as he for many times hypast hath supplicated, and proffers the Lord a fine annual for the reason of exemption, that he of grace special and favour, because of old age, infirmnesse and weaknesse of his body, may be exonerated hereafter, from all and singular Inquests, Juries and Offices whatsoever, as well in this Town as elsewhere within the said Manner to be cast upon him and assigned. Wherefore ous of respect of his old age, together with his infirmnesse and weaknesse under the fine annual in name of the exemption therefore proffered and his suggestion, to the tenants seeming that truly he had testified in the premisses. Now the Lord has granted in this Court by I F. his Seneschal to the aforesaid R C. licence his favour and exemption for term of life, and the aforesaid R. C gives the Lord for an annual rent 4 d payable at the termes usual.

Licence for suit of Court.

TO this Court came I S Villeni if the Lord, & gives for a fine for suit of Court to be respited for one year, 2.s.

Licence to marry his daughter.

TO this Court came I. S. Villeni of the Lord of this Manor, and requests licence to marry his daughter within this Lordship or without, and the Lord by I.W. his Seneschal hath granted licence &c

Licence to demise Tenem customary.

TO this Court came T.R. and requests license of the Lord to demise all and singular his lands and tenements customary, situate, lying and being within this Lord-

ship

ſhip to what perſon or what perſons ſoever it ſhall pleaſe the ſame T. R. for the term and to the term of 21. year next following the date of this Court, to which T. R. the Lord licenſe hath given in forme aforeſaid, for the fine of 10. s. paid in the Court to the Uſe of the Lord of this Manner.

Note, that there is no manner of eſtates made of free land by deed pole, or deed indented, but the like eſtates may be made by copie of Court roll of copihold land of inheritance, and entred in the Court-rolls: and the Steward is bound by Law and conſcience to be an indifferent Judge between the Lord and his Tenants, and to enter their copies truly in the Lords Court-rolls, the which are the Lords Regiſter to know his preſidents, cuſtomes and ſervices: And alſo they are a great ſurety to the Tenants, that if their copies by any caſuſal means be loſt, they may reſort to the Lords Court-rolls, and the Steward may make them new Copies according to the old preſident in the Lords Court-roll: like as at the Common Law, when a matter in variance between two men is paſſed by verdict, and judgement given thereupon and entred in the Keepers of the Liberties of *England* by authority of Parl. Records, there it reſteth of Record to be found if occaſion ſerve to ſearch for it. And alſo if a Deed or a Patent be inrolled, there it remaineth of record to be ſeen, if need be, and any man that hath occaſion may have a copie thereof, if they ſue to the Judges and the officers of the place where the record lieth, and they may have it exemplified under the ſeal of the office of the ſame place where ſuch record lieth, if he will be at the charge thereof. And alſo if a man have occaſion he may plead the ſame record in any of the Keepers of the Liberties of *England* by authority of Parliament Courts. And the Lords Steward may do the like with his Court-rolls,

Pleas

Pleas of a Court Baron.

R. H. plains against C. E. and A. his wife of a plea of Land viz. of one Messuage, two Cottages, twenty acres of meadow pasture, with the appurtenances in I. within the Jurisdiction of this Court, and hath made prosecution to prosecute this plaint, in forme and nature of the writ of the Keepers of the Liberties of England of Formdon in remainder at the Common Law, and hath found pledges to prosecute that plaint in forme and nature aforesaid, viz. I. R. and R. M. and he requires proceſſe hereupon to be made him, according to the custome of the Manner aforesaid, against C. and A his wife, therefore according to the custom of the Manner, the contrary of which within the memory of men is not used; commanded is it to the under-Baily of the Manner aforesaid, and Minister of the Court aforesaid that he ſummon by good ſummons the aforesaid C. and A. that they before the ſuitors of the Court aforesaid, at the next Court of the Manner aforesaid, on Thurſday, *viz* the 20. *day of* Ju. *the year, &c. at the Manner aforesaid to be held, to answer the aforesaid R. H of the aforesaid plea, &c. the ſame day is given to the aforesaid R. here, &c. at which next Court came as well the aforesaid R. H. as the aforesaid C. and A. by I. R. their Attorney, and the aforesaid Minister of the Court aforesaid returned here in Court, that he by vertue of the precept aforesaid to him directed, ſummoned the aforesaid C. and A. by good ſummons, viz. by* I. C. *and* R. R. *to be here at this Court to anſwer the aforesaid* R. H. *of the aforesaid plea of the aforesaid Meſſuage, two Cottages, twenty Acres of Land, twenty acres of Medow, and twenty acres of Paſture, with the appurtenances as to him commanded was, and upon this the aforesaid R. H. demands against the aforesaid C. and A. the tenements aforeſaid with the appurtenances, as his right and inheritance, ſaying, that a certain W. H. was ſeiſed of the tenements aforeſaid, with the appurtenances in his demeſne as of fee, at the will of the Lord, according to the custome of the Man-*

ner

nor aforesaid, and so seised being according to the custome of that Mannor, from the time out of the memory of men, used and approved, at the Court of the Mannor aforesaid, held at I. within the precinct of the Mannor aforesaid, Wednesday next after the feast of P. the year &c. by I.A. and T.P. Deputies of the Bailies of the Mannor aforesaid in the presence of T.C. T.S. R.L. I.M. I.R. and I.B. then tenants of the Lord of the Mannor aforesaid, surrendred into the hands of the Lord, the tenements aforesaid with the appurtenances, to the behoof and use of a certain M: then wife of the aforesaid W:H: to hold for the term of her life, and after the decease of the said M: the Tenements aforesaid, with the appurtenances wholly should remain to a certain I.H: the son of N:H: the brother of the aforesaid W.H: and the heires of his body lawfully begotten, and for defect of such issue of the said I: the aforesaid Tenements with the appurtenances wholly to remain to a certain E.H: daughter of the aforesaid W.H: to hold to her and the heires of her body lawfully begotten; and for defect of such issue of the same E: the aforesaid tenements with the appurtenances, wholly to remain to the right heires of the aforesaid W:H: and their heires for ever: By vertue of which surrender, the aforesaid M: was seised of the Tenements aforesaid in her demesne as of Frank tenement at the Will of the Lord according to the custome of the Mannor aforesaid in the time of peace, &c: taking thereof the explees to the value, &c:

and

And from the ſame M. remained a right by forme of the ſurrender aforeſaid, according to the cuſtome of the Manor aforeſaid to I.H. by which the ſame I. was ſeized of the tenements aforeſaid, with the appurtenances in his demeſne, as of fee-tail at the will of the Lord, according to the cuſtome of the Manor by form of ſurrender aforeſaid, in the time of peace, in the time of the Lord Edward *lately King of* England *the ſecond, taking the Eſplers to the value, &c. and from him I. after the death of E. becauſe both the aforeſaid I. and E. died without heir of their body lawfully begotten, remained hath the right by form of the ſurrender aforeſaid according to the cuſtome of the Manor aforeſaid to the R.H. who now demands, viz. as ſon and heir of W.H. brother and heir of the aforeſaid W.H &c. and thereof produces his ſuit, &c.*

And the aforeſaid C. and H. by T. their Attorney come and defend their right, when &c. and ſay that the aforeſaid W.H. gave not the tenements aforeſaid with the appurtenances to the aforeſaid, and the heirs of his body iſſuing. So that if the aforeſaid W.H. ſhould die without heires of his body iſſuing, the tenements with the appurtenances to the aforeſaid R.H. and the heirs of his body iſſuing ſhould remain for ever in the forme which the aforeſaid R.H. by his Writ and Court aforeſaid ſuppoſes, and of this &c. therefore the twelve, &c.

Plaints of Mort. d' anceſter.

R. C. *plains againſt W. L. and E. his wife, of a plea of land, viz. of one Meſſuage, thirty acres of Medow, and one hundred acres of paſture, with the appurtenances in L. within the Juriſdiction of this Court, and made proteſtation to proſecute this plaint in forme and nature of the writ of the Keepers of the Liberties of* England, *&c. of Aſſiſe of Mort. d' anceſter at the Common Law, &c. and he requires proceſſe for him to be made, according*

according to cuſtom of the Mannor in forme and nature of the writ aforeſaid to be directed to the Baily and Miniſters of this Court, and that the ſame Baily and Miniſters, by Mandate and Precepts of the Lord of this Mannor, and according to the cuſtom of the ſame Mannor ſum. by good ſum. 12. good and legal men of the homage of the ſame Mannor, that they be before the Seneſchal of the ſame Mannor at the next Court within this Mannor to be held, ready by Oath to acknowledge, if R. C. the father of the aforeſaid R. was ſeiſed in demeſne as of fee, at the will of the Lord according to the cuſtome of this Mannor, the day he died, of and in one Meſſuage, 30. acres of medow. 100. acres of Paſture of Land cuſtome of this Mannor with the appurtenances called C. within the Juriſdiction of this Court the day he died, and if the ſame R. the father died within fifty years now laſt paſt, and if the aforeſaid R. the ſon be next heir of the aforeſaid R. the father, and in the mean time the Lands and Tenements aforeſaid let them view, and that they ſum. by good ſum the aforeſaid W. and E. who the ſame lands and tenements now hold, that they be there to hear the recogn', and be found pledges to proſecute the plaint aforeſaid, 1. Doo, R. Roo.

Barre.

And now here to this Court comes the aforeſaid W. L. in his proper perſon, and ſayes that the aforeſaid R. father of the aforeſaid plaintiffe ſeiſed was not in his demeſne, as of fee at the will of the Lord, according to the cuſtome of this Mannor, the day he died of the aforeſaid Meſſuage, and thirty acres of Medow, and one hundred acres of paſture with the appurtenances, in manner and forme as by the aforeſaid plaintiffe before is ſuppoſed, and this he requires may be enquired by the Aſſiſe, and the aforeſaid plaintiffe likewiſe &c.

Entrie.

Entre in the *Per* and *Cui*.

TO this Court comes *I.N.* in his proper person, and plains against *T.M.* of a plea of land, viz. of one Messuage, one Garden, and one Orchard with the appurtenances, and he found pledge to prosecute this plaint aforesaid, viz. I.D. and R.R. and he protests to prosecute his plaint aforesaid, of one Messuage, one Garden, and one Orchard with the appurtenances in *S.* in nature and forme of the Writ of the Keepers of the Liberties of England, &c. of Entre in the Per and Cui. saying that the same Messuage, Garden and Orchard with the appurtenances are his right and inheritance according to the custome of the Manor aforesaid, and into which the aforesaid *T.M.* has not Entrie, but by *E.* lately the wife of *W.M.* and daughter of *R. P* to whom the aforesaid *R.P.* and *M.* his wife, those demised, who thereof unjustly, and without judgement disseised *R.N* the father of him *I.N.* within fifty years last past, &c. and he requires process thereupon for him to be made against the aforesaid *T.M* according to the custome of the Manor, therefore according to the custom of that Manner commanded is it, to *I.B.* under Baily of the same Manor, & the Minister of the Court aforesaid, that according to the custome of the Mannor aforesaid, he summon by good summons the aforesaid *T.M.* that he be at the next Court. viz. the fourth day of *M.* next to come here to be held, to answer the aforesaid *I.N.* the plea aforesaid, &c. the same day is given to *I.N.* here, &c.

Common

Common Recovery in right Patent by consent.

TO this Court comes *A.B.* Citizen and Merchant of *L.* in his proper person and plains against *W.W.* of a plea of land, viz. of one Messuage, one Garden, and one Acre of land, with the appurtenances in *L.* held of this Mannor by copy of Court-Roll, and makes protestation to prosecute his plaint aforesaid in the Court aforesaid, in forme and nature of the writ of the Keepers of the Lib. of Eng. &c. of right patens at the Common Law, according to the custom of the Mannor, and found pledge to prosecute his plaint aforesaid here in the Court aforesaid, viz. Jo Den and Ri. Fen. and requires processe thereupon to be made, against the aforesaid *W.W.* according to the custome of the Mannor aforesaid, therefore acocording to the custom of the Mannor aforesaid, commanded it was to *I.S.* Baily of the Mannor aforesaid, and Minister of this Court, that he summon the aforesaid *W.W.* so that he be here at the next Court of the Mannor aforesaid here, viz. Saturday the 4. of January to be held, to answer *A.B.* the plea aforesaid, and that then he have there the names of the summons and this writ, and the same day is given to the demandant here, &c. And now, viz. to this Court came the aforesaid *W.W.* in his proper person, and in full Court here freely offered to answer the aforesaid *A.B.* the plea aforesaid by good summons, *it is to wit, I.D. R. R.* according to the custome of the Manor aforesaid, and upon this now to this Court, the aforesaid *A.B.* viz. in his proper person, comes and demands against the aforesaid *W.W.* the Messuage aforesaid, Garden and Acres of Land aforesaid, with the appurtenances in *L.* aforesaid, held of this Manor by copy of the Rolls of this Court, as his right and inheri ance, and whence he sayes that himself was seised of the tenements aforesaid, with the appurtenances in his demesne, as of the fee and right according to custom of the Manor aforesaid in the time of peace, &c. taking thereof the exploes to the value, &c. and that such is his right he offers, &c.

Answer

Answer.

And the aforesaid W:W: comes and defends his right when, &c: and seisin, of which seisin, &c. as of Fee and Right, &c: and especially of the Tenements aforesaid with the appurtenances and the whole, &c: and puts himselfe upon the homage of the aforesaid Keepers of the Liberties, &c: of the Court aforesaid, according to the custome of the Mannor aforesaid, and requests recogn:to be made, whether he more right has to hold the Tenements aforesaid with the appurtenances, as he holds, or the aforesaid A. B: to have the tenements aforesaid with the appurtenances as he above demands, &c.

Imparlance.

And the aforesaid A. B: requires licenso thereupon to imparle until the eleventh houre before noon of the same day, and he hath, &c: and the same hour is given to the aforesaid W: here, &c: and after the same A:B: again came here into the Court the same day at the aforesaid hour in his proper person, and the aforesaid W:W: though solemnly exacted, came not again, but in contempt of the Court receded and default made, therefore according to custom of the Mannor aforesaid, granted is it by the Court, that the aforesaid A.B. recover his seisin against the aforesaid W W. of the Tenements aforesaid with the appurtenances according to the custome of the Mannor aforesaid, to hold to the same A:B: and his heires

according

according to the auſtom of the ſaid Mannor, quit of the aforeſaid W.W. and his heirs for ever, and the ſame W.W. is amerced, &c. and now at this Court the Lord in execution of the judgement and recovery aforeſaid, by his Seneſchal granted to the aforeſaid A.B. of the tenements aforeſaid with the appurtenances ſeiſin to hold to him, his heirs and aſſignes by the yard at the will of the Lord, according to the cuſtome of this Mannor, and he made therefore to the Lord a fine and fealty, and admitted is thereof tenant.

And after (to wit) to this ſame Court aforeſaid A.B. then preſent being, came alſo the aforeſaid W.W. and ſurrendred into the hands of the Lord the tenements aforeſaid with the appurtenances to the behoof and uſe of the aforeſaid A.B. his heirs and aſſigns for ever. And further the aforeſaid W.W. hath remiſed, releaſed, and all things for him and his heirs for ever quit claimed to the aforeſaid A.B. his heires and aſſignes, in his full and peaceable poſſeſſion and ſeiſin being the day of the making the preſent, all his right, eſtate, title, claim, intereſt or demands whatſoever, which at any time he had, has, or by any manner hereafter have may of or in the tenements aforeſaid with the appurtenances, or in any parcel of the ſame, ſo that, viz. neither the aforeſaid W.W. nor his heirs, nor any of them any right, title, eſtate, claim, intereſt or demand of or in the tenements aforeſaid, with the appurtenances, nor in any parcel of the ſame hereafter exact, claim or challenge may nor ought for the future, but from all action of right, title, claim, uſe, intereſt and demand therefore to be made, for ever be excluded, and let every of them be excluded by theſe preſents. And beſides the aforeſaid W.W. grants for himſelf and his heirs, that he does warrant the tenement aforeſaid with the appurtenances to the aforeſaid A.B. and his heirs againſt all men for ever.

Common recovery in Entry in the Poſt by conſent.

And after (to wit) to this Court came R.M. *and* W.M. *and plain againſt the foreſaid* M. M. *a plea of Land, viz. of the aforeſaid eighteen acres of medow, and made proteſtation to follow this plaint in form and nature of the writ of the Keepers of the Liberties, &c. of entry upon diſſeiſin in the Poſt; and upon this the aforeſaid* R. *and* W.M. *in their proper perſons demand againſt the aforeſaid* M.M. *the aforeſaid eight acres of medow with the appurtenances in* I. *within the Juriſdiction of this Court, as their right and inheritance, and into which the ſaid* M.M. *entry has not, but after the diſſeiſin which* H.H. *thereof unjuſtly and without judgment made to* R. *and* W. *within thirty years now laſt paſt, &c. and whence they ſay, that themſelves were ſeiſed of the aforeſaid eight acres of medow with the appurtenances in their demeſne, as of fee and right at the will of the Lord, according to the cuſtome of the Mannor aforeſaid, taking thereof the expleces to the value, &c. And into which, &c. And thereof the produce their ſuit, &c.*

And the aforeſaid M.M. *in his proper perſon came, and defends his right, whence, &c. and vouches thereof to warrant the aforeſaid* W.T. *who preſent is here in Court in his proper perſon, and freely the aforeſaid eight acres of medow with the appurtenances to him warrant: And upon this the aforeſaid* R. *and* W.M. *demand againſt him* W.T. *tenant by his warrant aforeſaid the eight acres of medow with the appurtenances, whence they ſay themſelves were ſeiſed of the ſame eight acres of medow with the appurtenances in his demeſne, as of fee and right, at the will of the Lord, according to the cuſtome of the Mannor aforeſaid, in the time of peace, &c. taking the eof the expleces to the value, &c. And into which, &c. And thereof they produce their ſuit, &c.*

And

And the aforesaid W.T. tenant, by his warrant defends his right when, &c. and further vouches thereof to warrant C.D. who (to wit) present is here in Court in his proper person, and freely the aforesaid eight acres of medow, with the appurtenances to him warranteth, &c. and upon this the same R. and W.M. demand against C. tenant by warranty the aforesaid eight acres of medow with the appurtenances, whence they say themselves were seised of the same eight acres of medow with the appurtenances in his demesne as of fee and right, at the will of the Lord, according to the custome of the Mannor aforesaid, in the time of peace, &c. taking thereof the exploits to the val', &c. and into which, &c. and thereof they produce their suit, &c.

And the aforesaid R. and W.M. require licence to imparle, and have it, &c. and after the same R. and W.M. again came here into the Court, at the same Court, in their proper persons, and the aforesaid T. though solemnely exacted he was, came not again, but in contempt of the Court receded, and default made, therefore granted is it, that the aforesaid R. and VV.M. recover their seisin against the aforesaid M.M. of the aforesaid eight acres of medow with the appurtenances, &c. and that the same M.M. have of the land of the said VV.T. to the value, &c. and that the same VV.T. further have of the land of the aforesaid C.D. to the value, &c. and the same C. is amerced, &c. and upon this the aforesaid R. and VV.M. request a precept to make them have plenary seisin of the aforesaid eight acres of medow, with the appurtenances, to the Minister of the Court aforesaid to be directed, and to them is it granted returnable here without delay, &c. And after (to wit) this same first day of April, came here into the Court aforesaid, R. and VV M. in their proper persons, and the Minister of the Court aforesaid, viz. R.VV. certified to the Court aforesaid, that he by vertue of the precept aforesaid, to him thence directed the first day of April. to have made the aforesaid R. and VV.M. full seisin of the aforesaid eight

acres of medow with the appurtenances as by the precept aforesaid to him commanded was, &c.

And after, to wit, to this same Court the aforesaid R. and W.M. and the foresaid W.T. then present being came and surrendred into the hands of the Lord in the same Court, the foresaid eight acres of medow with the appurtenances to the behoof and use of the aforesaid M.M. his heirs and assignes, to whom the Lord by his Seneschal aforesaid granted thereof seisin by the yard, to have and to hold to him and his heirs, at the will of the Lord, according to the custome of the Mannor aforesaid, &c. and further the aforesaid R. and W.M. and W.T. have remised, released, and altogether for themselves and their heirs for ever, quit claimed to the aforesaid M.M. his heirs and assignes in his full and peaceable possession, being in full Court, all their right estate, claim, interest or demands whatsoever, which at any time they have had, have, or in any manner for the future have, may, of or in the foresaid eight acres of medow with the appurtenances, or in any parcel thereof, so viz. that neither the foresaid R. and W.M. and W.T. nor their heirs, or any of them any right, title, estate, claim, interest or demand, of or in the foresaid eight acres of medow with their appurtenances, hereafter exact, claim or challenge may nor ought for the future; but from all occasion of right, title, claim use, interest and demand thereof to be made excluded, and let every of them be excluded for ever by these presents. And further the foresaid W.T. grants for himself and his heirs, that he doth warrant the foresaid eight acres of medow with the appurtenances to the foresaid M.M. and his heirs against all men for ever, &c.

Upon buying.

G.B. plaines against R.G. a plea of debt of xxx. s. iv.d. for that, viz. that when the aforesaid R.G. the tenth day of April the year, &c. at I. within the Jurisdiction

diction of this Court bought of the ſame G.B. thirteen jars of oyle, called meas oyle, for fifteen ſhillings and three pence, one hundred of madder for fifteen ſhillings and one penny to be paid to the ſame G.B. when therfor required he was, which ſums in the whole amount to the foreſaid xxx.s.iv d. *aforeſaid. Yet R.G. though often required he was for the foreſaid* xxx. ſh. iv.d. *it to the ſame G B. hath not yet rendred, but to him to this time to render it hath refuſed, and yet refuſes; wherefore he ſayes, that the worſe he is, and damage has, to the value of* x.s. *and thereupon produces his ſuit, &c.*

And the aforeſaid R.G. by A. his Attourney comes and defends the force and injury when, &c. and ſaith, that he oweth not to the aforeſaid G.B. the aforeſaid 30. s. 4. d. *nor any peuny thereof, in the forme which G.B. above againſt him plaines. therefore granted is it, that the foreſaid R.G waige thereof his Law of the twelfth hand, pledg of Law* I M. *and* R F. *and they come with their Law here at the next Court, in proper perſon, and ſaid it was to the foreſaid Attourney of the foreſaid R.G. that then they have here the ſame R.G. their Maſter in his proper perſon, to the perfecting his Law aforeſaid &c.*

At which day here came the foreſaid R.G. and perfected thereof his Law aforeſaid of the twelfth hand as it above he waged: therefore granted it is that the foreſaid plaintiff nothing take by his plea foreſaid, but be amerced for his falſe clamor thence, &c. and that the foreſaid defeadant go without day.

And as for all other actions which will lie in this Court, you ſhall finde ſufficient preſidents for them in the Hundred Court, parcel of this book, whereunto I referre you.

Writ of grand Cape.

I.VV. *Seneſchal to the Baily of the ſame Mannor greeting, I command thee that thou takeſt into the hands of the Lord, by view of good and legal men of this Mannor the third part of one Meſſuage, and twenty acres of land with the appurtenances in I. which A.I. in this Court, &c. claims againſt T.I. lately of I. as the dower of her, of the indowment of the foreſaid C.I. ſometime her husband by writ of dower, whereof nothing ſhe has for defect of him T. and the day of taking make known to me, and ſumm' by good ſumm' the ſaid T. that he be here at the next Court, thereof to anſwer and ſhew why he was not here at the laſt Court, as ſummoned he was, and leave there the names of thoſe by whoſe view this thou haſt done, the ſumm' witneſſe, &c.*

The Entre of the grand Cape.

A. which was the wife of C.L. by A B. her Attorny offered her ſelf at this Court againſt T.I. concerning a plea of the third part of one meſſuage and twenty acres of land with the appurtenances in I. which the ſame A. in this court here claimes as her dower of the indowment of the foreſaid I.C. ſometime her husband, becauſe the tenements aforeſaid are within this Lordſhip, and women which after the death of their husbands of tenements in I. foreſaid being, dowable are, according to the cuſtome of the ſame Mannor of A. time in which there is not memory of men uſed, of the third part of the ſame indowed ought to be, &c. and he came not, and is ſummoned, &c. therefore by judgement of the court, let the third part aforeſaid with the appurtenances, be taken into the hand of the Lord, &c. and the day, &c. the foreſaid ſumm' that he be here at the next Court, &c.

Petit.

Petit Cape.

I.VV. *Seneſchal to the Baily of the ſame greeting. Thee I command that thou takeſt into the hand of the Lord by the view of good and legal men of this mannor one meſſuage with the appurtenances which* A.C. *in this Court claims as his right, againſt* B.R. *by plaint of formdon in remainder for deſect of him* B. *and the day of taking known make to me at the next Court, and ſumm' the foreſaid* B.R. *that he be here before &c. ſuch day thereof to anſwer and ſhew, why he was not here in this Court before, &c. ſuch day next paſt as ſumm' he was, and have there this precept, and how, &c.*

Entre of the Petit Cape.

T. Eſquire and I his wife by their Atturny oppoſe themſelves the fourth day againſt H B. of I. and A. his wife, concerning a plea of land of the third part of eight meſſuages, and eight yardlands of land with the appurtenances in I. which the foreſaid T. and I. in this Court claim as their dower of her A. of the indowment of G.S. ſometimes her husband, againſt them. and they came not: And they had therefore day hereuntil this day, to wit, the tenth day, &c. after at another time they had appeared in Court; therefore by judgement let the third part aforeſaid with the appurtenances be taken into the hand of the Lord, and they be ſumm' &c. that they be here the day &c. to hear thereof their judgment &c.

Habere facias ſeiſinam.

I.VV. *Seneſchal to the Baily of the ſame greeting. Know that* A.B. *in the Court held ſuch day, by conſideration of the ſame Court recovered his ſeiſin againſt* B.C. *of*

eight acres of land with the appurtenances in I. by default of the aforesaid B. And therefore I command thee that to the same A.B. plenary seisin of the tenements aforesaid, with the appurtenances, without delay seisin thou make to have. And have there this precept, and how, &c. Given, &c.

The

The manner and forme how to keep an Hundred Court, or Court-Baron, commonly called a three weeks Court, and a Court of ancient Demeſne, as followeth.

FIrſt the Steward muſt enter in his Court-book the Stile of the Court thus:

The Court of R. T. Knight, of the Manner or Hundred of A. Weſtbrook, held there ſuch day and year, &c. before A. B. and C. D. ſuitors of the ſame Court.

This done, then the Bailiffe muſt ſay O yes, that is, he muſt make an O-yes, and ſay Eſſoines and proffers before the Court three times, and then ſay. All manner of perſons that have any thing to do at this Court, draw neer, and give your attendance, and if any man will be eſſoined, let him come forth and he ſhall be received, or if any man will enter any plaints, let him come and he ſhall be heard.

This done, if any man will enter any plaints, you muſt enter them after this manner.

A. B. plains againſt C D. a plea of debt, or a plea of treſpaſs, or a plea of taking and unjuſt detaining his cattel, or ſuch like, &c.

And if any man will be eſſoined, you muſt enter their eſſoines thus.

I. S. is eſſoined for ſuit of Court by W. D.

Alſo there be foure other manner of eſſoines which are ſel-

ſeldome uſed to be caſt, and theſe be they, *viz.* If a man be in the warres of the Parliament of *England*, or Embaſſage, or in any other of the Parliaments of *Englands* buſineſs, or beyond the ſeas, or if any man be ſick in his bed, or if any man be letted or hindred by water, ſo that he cannot come to the Court: which eſſoines muſt be entred after this manner.

I.S. *eſſoined is becauſe he is in the ſervice of the Parliament, &c.*

A.S *is eſſoined becauſe he is beyond ſea.*

T.S *is eſſoined becauſe he is ſick in bed.*

W,G. *is eſſoined becauſe he could not come for the overflow or height of water.*

And there be other two manner of eſſoins which are in plea, the one after ſumm^s^, or attachment, and the other after iſſue joyned, are to be entred after this manner.

I.S. *who ſummoned was, or attached was to be here at this court to anſwer to T. K. a plea of debt, or ſuch like, now eſſoined is by* W.D. *&c.*

And the other muſt be entred after this manner.

I.S *who hath dny until this Court, who the iſſue joyned betwixt T.K. Plaintiff, and I.W. defendant, now eſſoined is by* D.W. &c.

And if it be upon a wager in law, then it muſt be entred after this manner.

I.S. *who hath day to this Court, to make his law againſt T.K. plaintiff in a plea of debt now eſſoined is by* W.D.

And in like manner the plaintiff may be eſſoined if he will: and if the one party be eſſoined at one Court, the other party may be eſſoined at the next Court following.

And you muſt underſtand, that whoſoever will caſt any eſſoin in theſe Courts he muſt come at the beginning of the Court, when proclamation is made, or elſe he ought not to be received.

And

And note alſo, that in all theſe caſes following, the party cannot be eſſoined: firſt if he have an Atturney in the ſelf ſame plea preſent in the Court, or if the party himſelf be ſeen in the Court, or if there be no plea, if the party made default at the laſt Court before, then he cannot be eſſoined, or if he come in by *Cepi corpus*, or diſtreſſe, or if he come in the end of the Court, he cannot be eſſoined, as appeareth by the ſtatute of Eſſoines made in the 21. yeare of E. 2.

And you muſt alſo underſtand, that for every default that the defendant maketh after this appearance, and day given to anſwer or do his law, and then make default at any day, he ſhall be called *non ſuit*, and he and his pledges amercied, and that is where the plaintife is a ſtranger dwelling out of the Juriſdiction of the Court, where he finde pledges, if the caſe ſhould paſſe againſt him, his pledges muſt then pay the defendants coſt, which is a thing ever reaſonable, but ſeldom or never uſed.

And the Steward of the Court, at the beginning of the Court muſt enquire of the Bailiff how he hath ſerved the attachments and diſtreſſes, and other precepts to him directed, and if he ſay that they were ſerved, then call the parties, and if the plaintiffe have not his declaration ready when the defendant appeareth, he muſt be called non-ſuit thus. *A. B.* come forth and proſecute thy action againſt C. D. or elſe thou wilt be *non-ſuit*: and if he come not forth ſitting the Court, or ſome for him to crave further time to declare, which the Court in diſcretion may grant him, then he ſhall be *non-ſuit* of courſe: and if the defendant make default, proceſſe muſt go forth againſt him: and in a perſonal action, the proceſſe are ſummons, attachment, and diſtreſſe infinite, which attachments and diſtreſſes muſt be reaſonable, and not outragious, according to the ſtatute of *Marlebridge*, *cap.* 4. And if the defendant

dant make default upon the attachment or diſtreſſe, they being ſerved, and ſo returned by the Bailiff, then the goods ſo taken by attachment or diſtreſs be forfeit to the Lord of the Court, and the Defendant ſhall alſo be amerced, and a new *Diſtringas* ſhall go out againſt him. And if the defendant appear, and then after make default, he ſhall be condemned by default, and a *nihil dicit* entred againſt him, and the Steward muſt enter both the effect of the declaration for the plaintiffe, and of the plea or anſwer for the defendant.

And if the parties plead to an iſſue triable by an *Inqueſt*, proceſſe muſt be made to ſummon the Jury, *viz.* a *venire fac.* and if the defendant be condemned either by default or by verdict, then a *Levare fac.* ſhall be awarded to make levie of his goods, and thereupon the defendants goods ſhall be taken, praiſed, and ſold to ſatisfie the party plaintif, and if the defendant have no goods whereupon levie may be made, then the plaintife is without remedy, except it be by a private cuſtome which is uſed in ſome places, to take the body, then the body may be taken by a *Capias ad ſatisfac.* and laid in priſon, there to remain until the plaintife be ſatisfied; but you muſt underſtand that in a county Court, hundred Court, or court Baron, there can be no plea held, where the debt or damages amount to ten ſhillings or above.

And it is a maxim in law, that in all courts which are not courts of record, the matter if it be for debt, ought to be tried by oath, that is, by wager of law by the defendant and not otherwiſe, unleſſe it be by aſſent of both parties.

The

The forme of Proceſſe in baſe Courts, which are Courts of Record.

A Summons.

COmmanded it is to the Baily there that ſumm'l be make C.D. that be be here at the next Court to anſwer A.B. in a plea of debt, detinue, treſpaſs or ſuch like.

An Attachment.

Commanded it is to the Baily there, that be attach C.D. by his goods and chattels, that he be at the next court, to anſwer A.B. of a plea of debt, or ſuch like.

A Diſtringas.

Commanded it is to the Baily there, that be diſtrein E. D. by his goods and chattels, that be be here at the next Court to anſwer A.B a plea of debt, &c, witneſſe I.W. Gent. Seneſch. there.

Al' diſtring. & plur. diſtring.

Commanded it is to the Baily there as elſe, or many times to thee commanded was that thou diſtrein, &c. as above.

A Venire fac.

Commanded is it to the Baily there, that to come be cause twelve good and legal men of his bailiwick, that they be here at the next Court, to try the issue joyned betwixt A.B. plaintiff, and C. D. defendant, of a plea of debt, or such like.

And if a full Jury do not appear, then as many as make default, and be not essoined, shall be amercied, and a *Decem tales* awarded to summon ten more, as followeth, and the same day given to the first Jury.

Decem tales.

Commanded it is to the Baily there, that he to come cause ten such good and legal men of his bailiwick, that they be here at the next Court with others, who to them and there may be associated, to try the issue joyned betwixt A.B. plaintiff, and C.D. Defendant, concerning a plea of debt or such like.

At which day as many as make default, and be not essoined, shall be amercied; and then an *Octo tales* shall be awarded: and after that, if need be, a *Sex tales*.

And if there appear a full Jury, then both the parties shall have their challenges lawful to the Jurors: and if the Jury find for the plaintiffe, then they must give cost of suit and damages: and in the like manner they shall assesse damages, if they find for an Advowant in a Replevin.

A levare fac

Command the Baily there, that of the goods and chattels of

of G.D. to be levied be cause xx.s. which A.B. in this Court recovered against him in a plea of debt. or such like, and for his mises and costs 12.d. So that those moneys he have here at the next Court, to render to the foresaid A.B. Witnesse, &c.

And if the Bailiff return, that he can finde no goods of the said C.D. then if the custome serve, he may have a *Capias* to take the body and lay him in prison until such time as he hath satisfied the party. The forme of which precept is thus.

A Cap. ad satisf.

Commanded it is to the Baily there that he take C.D. and him in his prison safely to be kept cause, until he has satisfied A.B as well of the xx.s. for debt, which the foresaid A.B recovered against him, as of the 12.d. for his mises and costs, &c. witnesse, &c.

And if any goods be taken wrongfully, then the party grieved may have a *replevin*, which must be made after this manner.

A Replevin.

I.W. *Gen. Seneſch. of* R.T. *Kn. to* R.F. *Baily of the hundred of A greeting.* Because *A.B. has found me sufficient* security, *as well bi* clamour *to prosecute, as for his beasts, viz. one oxe which C.D. took and unjustly deteines, as it is said, to be return, if the return thereof be adjudged, therefore thee I charge and also command, that the ox aforesaid to the aforesaid A.B. without delay replevied to be and delivered thou causeſt, and put by surety and safe pledge the foresaid G.D. that he be at the next court at A. aforesaid to be held, to answer the foresaid A.B. a plea of taking and unjust

A Venire fac.

Commanded is it to the Baily there, that to come he cause twelve good and legal men of his bailiwick, that they be here at the next Court, to try the issue joyned betwixt A.B. plaintiff, and C. D. defendant, of a plea of debt, or such like.

And if a full Jury do not appear, then as many as make default, and be not essoined, shall be amercied, and a *Decem tales* awarded to summon ten more, as followeth, and the same day given to the first Jury.

Decem tales.

Commanded it is to the Baily there, that he to come cause ten such good and legal men of his bailiwick, that they be here at the next Court with others, who to them and there may be associated, to try the issue joyned betwixt A.B. plaintiff, and C.D. *Defendant, concerning a plea of debt or such like.*

At which day as many as make default, and be not essoined, shall be amercied; and then an *Octo tales* shall be awarded: and after that, if need be, a *Sex tales*.

And if there appear a full Jury, then both the parties shall have their challenges lawful to the Jurors: and if the Jury find for the plaintiffe, then they must give cost of suit and damages: and in the like manner they shall assesse damages, if they find for an Advowant in a Replevin.

A levare fac

Command the Baily there, that of the goods and chattels of

of G.D. to be levied be cause xx.s. which A.B. in this Court recovered against him in a plea of debt. or such like, and for his mises and costs 12.d. So that those moneys he have here at the next Court, to render to the foresaid A.B. Witnesse, &c.

And if the Bailiff return, that he can finde no goods of the said C.D. then if the custome serve, he may have a *Capias* to take the body and lay him in prison until such time as he hath satisfied the party. The forme of which precept is thus.

A Cap. ad satisf.

Commanded it is to the Baily there that he take C.D. and him in his prison safely to be kept cause, until he has satisfied A.B. as well of the xx.s. for debt, which the foresaid A.B recovered against him, as of the 12.d. for his mises and costs, &c. witnesse, &c.

And if any goods be taken wrongfully, then the party grieved may have a *replevin*, which must be made after this manner.

A Replevin.

I.W. *Gent. Seneſch. of* R.T. Kn. *to* R.F. *Baily of the hundred of A greeting. Because A.B. has found me sufficient security, as well his clamour to prosecute, as for his beasts, viz. one oxe which C.D. took and unjustly deteines, as it is said, to be return, if the return thereof be adjudged, therefore thee I charge and also command, that the ox aforesaid to the aforesaid A.B. without delay replevied to be and delivered thou causeſt, and put by surety and safe pledge the foresaid G.D. that he be at the next court at A. aforesaid to be held, to answer the foresaid A.B. a plea of taking and unjust*

unjuſt deteining of his oxe aforeſaid, and how this my preceps ſhall be executed, to me at the next Court at A. aforeſaid, to be held, make known under peril incumbent, together with this precept given under my ſeal the tenth day of April, the year, &c.

I. W. Gent. Seneſchal there.

And if the Bailiff do not deliver the plaintiſe his cattel by vertue of the ſaid *Replevin*, then the plaintiffe may have an *Alias replevin* with theſe words, *vel cauſam mihi ſignifices*, which *Replevin* muſt be made after this manner.

Al' Replevin.

I. W. *Gentleman Seneſchal of* R. T. *to* R. F. *Baily of his Mannor or Hund. of A. greeting. Becauſe A. B. hath found me ſufficient ſecurity, as well his clamour to proſecute, &c. (as in the other replevin) therefore I charge and alſo command thee as elſe thee have I commanded, that the oxe aforeſaid to the ſame A. B. without delay to be repleviet thou cauſeſt, or the cauſe to me thou ſignifieſt, wherefore my mandates to thee therefore directed execute thou wouldeſt not, or mighteſt not, and put by ſureties and ſafe pledge, &c. as before in the other replevin.*

And if the Bailiff do not deliver the plaintiff his cattel upon this *Replevin*, nor ſhew ſufficient cauſe why he did not, then the party may have a *pluries Replevin, vel cauſam mihi ſignifices*, which muſt be made *verbatim*, as the *alias Replevin* was made, only changing this word *alias* into *pluries*. And if the bailif return upon any of theſe *Replevins*, *quod averia elongat. ſunt ad loca ſibi ignot. Ita quod averia ill. pref. C. D. deliberari non potuit*, then the plaintiſe may have a Withernam, which muſt be made in this manner.

A

A Withernam

I. W. Gent. Seneſchal of R. T. Knight, to R F. Baily of his Mannor or Hundred of A. greeting. Since that A. B. hath found me ſufficient ſecurity as well his clamour to proſecut, as for return to be had of one ox, &c. if the return thereof be adjudged, which E. D. at C. took and unjuſtly detains, as it is ſaid, and the aforeſaid Baily upon divers my precepts for replevie to be made, to the ſame Bailie directed, me hath certified, that the ſame ox eloigned is to places to him unknown, ſo that view of the ſame have he could not. Therefore thee I charge and alſo command that thou take ſt in VVithernam chattels to the value of the ſaid oxe, of the chattels of the ſaid C. D. to be delivered to the foreſaid A. B. for the oxe aforeſaid ſo eloigned, and put by ſureties and ſafe pledges the aforeſaid C. D. as above in the firſt Replevin, &c.

Deliverance.

I. VV. Gent. Seneſchal of R. T. of the Court of his Mannor or Hundred of A. to R. F. Baily of the Mannor or Hundred aforeſaid; as alſo to R. B. and I. S. Bailies this time only, greeting. Of the part of the Keepers of the Liberty of, &c. you and every of you joyntly and ſeverally I command, that to be delivered you cauſe, or one of you to be delivered cauſe to C. D. his beaſts which A. B. took and unjuſtly detained againſt ſurety and pledge, as is ſaid. And that you put, or, &c. the foreſaid A. B. that he be here at the next Court to be held, the foreſaid C. D to anſwer concerning the plea aforeſaid, and the anſwer of this precept make known to me, or, &c. at the next Court. Given, &c.

Al' Capias in Withernam.

I.W. *Gent. Seneſch. of R.T. Knight of his Manour or hundred of A. to the Baily of the hundred of A. as alſo to A.D. and C.B. my Bailies for this time Itinerant, greeting. Becauſe R.E. Baily of the Hundred aforeſaid, at the Court of this Hundred before me held at A. ſuch day and year, &c. to me hath returned that by vertue of my warrant to him many times directed, he came to the pound of I.D. to the place where the beaſts aforeſaid impounded and detained were by the ſame I.D. and theſe beaſts going and eloigned were before his coming, out of the hundred aforeſaid, to places to him unknown, by the aforeſaid I.D. for which the beaſts aforeſaid the Baily aforeſaid replevin could not; wherefore conſidered it is by the Court, willing the malice of him I. to meet with, that the beaſts of the foreſaid I. be taken in* Withernam, *to the value, &c. and thoſe to the foreſaid A.B. be delivered ſafely, and ſurely to be kept, until to the ſame A.B. his beaſts aforeſaid, according to Law, replevin you can, and according to the tenour of my mandate aforeſaid. Wherefore you and every of you jointly and ſeverally I command, that ye take, or, &c. the beaſts of the foreſaid I.D. to the value, &c. in* Withernam, *and thoſe to the foreſaid A.B. to be delivered you cauſe, or, &c. ſafely and ſurely to be kept until, &c. and diſtrein ye, or, &c. the aforeſaid I.D. ſo that he be at A. at the next Court there to be held, to anſwer the foreſaid A.B. the plea aforeſaid, and the anſwer of this my precept known make ye, &c. at the next Court. Given under the ſeal of my office ſuch day and year, &c.*

Note that when the ſaid *Replevin* is granted, there muſt be a bond taken of him to whom it is gaanted,

or of some other for him, to appear at the next Court and to prosecute his suit with effect, or else it may be prejudicial both to the granter of the *Replevin*, and to the executioner thereof; and the forme of that bond and condition thereof is this.

An Obligation upon a Replevin.

Know all men by these Presents that I Anton. D. *of A, in the County of S. Gent. am held and firmely obliged to* Richard T. Kn. *Lord of the Hundred of A. in ten pounds of good and lawfull money of England, to be paid to the same* R. *or his certain Attorney; his Executors or Assignes: to which payment well and truly to be made, I binde me, my heirs, executors and administrators firmly by these presents with my seal sealed. Dated the tenth day of February, the year, &c.*

The Condition thereof.

The Condition of this Obligation is such, That if the above bounden A. D. do appear the next Court of the above named Sir R. T. to be holden within this Mannor of A. in the County of *Southampton*, and then and there prosecute with effect his suit or action against A. B. for the wrongful taking and detaining of his cattel, as he hath alledged, and do make return thereof, if return thereof shall be adjudged in the said Court by course of Law, and also do save and keep harmlesse the said *I. W.* Steward of the said court, and the Bailiffes in all things touching or concerning the granting of execution of the said *Replevin*, without fraud, coven or delay. That then this present obligation to be void, and of none effect, or else the same to stand, remain, and continue in force, strength and vertue.

And if it be ancient Demeſne, then they uſe to acknowledge Fines, and ſuffer Recoveries of their land, which they buy and ſell within ancient demeſne, and that is by the Keepers of the Liberty of *England* by authority of Parliament, their writ of Right Cloſe, iſſuing out of the *Chancery*, directed to the Bailiffe of the court, and they are entred in the court-book after this manner:

Alton VVeſtbrook, the form and manner of a Fine there.

The Court of Richard T. *and H. his wife, there held Thurſday the tenth day of I. the year, &c. before* Richard B *and I. ſuitors of the ſame* Court, *according to the cuſtom of the ſame Manor, from the time whoſe contrary in the memory of man is not. To this Court came I. M. in his proper perſon, and brought here into the Court the writ of the ſaid Keepers of the Libert' of, &c. of Right Cloſe, againſt I. F. and S. his wife, to the Baily of R. T. Knight and H. his wife, of his Manor of* Alton Weſtbrook *directed, and in forme of right according to the cuſtome of the Manor aforeſaid, to be executed and determined, of which writ the tenour followeth in theſe words:* The Keepers, *&c. and ſo reciting the whole writ word by word, &c. Upon which the foreſaid I. M. according to the cuſtom of the Manor aforeſaid, hath made proteſtation to proſecute his writ aforeſaid againſt the foreſaid I. F. and S. his wife, in forme and nature of the writ of the Keep' of the Lib' &c. of covenant at the Common Law, a Fine thereupon betwixt them of the tenements aforeſaid with the appurtenances in the writ aforeſaid ſpecif. to make and levie, requiring that I. F. and S. his wife may keep to him the covenant of the tenements aforeſaid, with the appurtenances in Alton Weſtbr. and be found pledg' to proſecut his writ aforeſaid, viz. I. D. and R. R. upon which the ſame I. F. and S. his wife*

ſolemnly

ſolemnly exacted are, and appeared 3 and upon this the ſame I.F. and S. his wife require licence to concord with the foreſaid I.M. the plea foreſaid, and they give the Lord for ſuch licence 3.s.4.d.

And the concord is ſuch, viz. That I.F. and S. his wife do recognize the tenements aforeſaid with the appurtenances to be the rights of him I.M. as thoſe which the ſame I.M. hath of the gift of the foreſaid I.F. and S. his wife, and thoſe have remiſed and quit-claimed from them and their heirs, to the foreſaid I.M. and his heires for ever: And further the ſame I.F. and S. his wife have granted for them and the heirs of I.F. that they do warrant the tenement aforeſaid, with the appurtenances to the foreſaid I.M. and his heirs, againſt the foreſaid I.F. and S. and the heirs of the foreſaid I.F. for ever: And for this recognizance, remiſion, quit-claim, warrant, fine and concord, the ſame I.M. hath given the foreſaid I.F. and S. his wife xl. *Mark ſterling, &c.*

The ſtile of the Court muſt be ſet down as it is before in the fine, *mutatis mutandis*, and is as occaſion ſhall ſerve. Then thus.

The form of a Recovery there.

TO this Court came R.H. and T.S. in their proper perſons, and they brought here in the Court the writ of the Keepers of the Liberty of Right Cloſe againſt I.M. to the Baily of R.T. Knight, and H. his wife, of their Manner of Alton Weſtbrook *directed, in form of right, according to the cuſtome of the Mannor aforeſaid, to be executed and determined, of which writ the tenour followeth in theſe words, The Keepers, &c. and ſo reciting the Writ word by word (as above in the Fine) upon which the foreſaid R. H. and T.S, according to the cuſtom of the Mannor aforeſaid,*

made protestation to prosecute this writ aforesaid against I. M. in forme and nature of the writ of the Keepers of the Liberties, &c. of right at the Common Law, and they found pledg to prosecute their writ aforesaid, viz. I Doo, R. Roo, and they require processe for them to be made against the aforesaid I M. according to the custome of the Manner aforesaid, and the foresaid I.M. solemnly exacted, appeared, and came here into the Court in his proper person, whereupon the same R.H. and T.S. demand against the foresaid I M the tenements aforesaid, with the appurtenances as their right and inheritance, and into which the same I.M. had not entrance, but after the disseisin which H.H. unjustly and without judgment made to the foresaid R.H. and T.S. within thirty yeers, &c. and whence they say that themselves were seised of the tenements aforesaid with the appurtenances in their demesne, as of fee and right in the time of peace taking thereof the explees, to the value, &c. and into which, &c. And thereof they produce their suit, &c. 1.

And the foresaid I.M. in his own person came, and defends his right, when, &c. and vouches thereupon to warrant I F. who presents is here in Court in his proper person, and freely the tenements aforesaid to him warrants, &c. And upon this the same R.H. and T S. demand against him I.F. by his warrant the tenements aforesaid, with the appurtenances in form aforesaid, &c. and whence they say that themselves were seised of the tenements aforesaid in their demesne, as of fee and right in the time of peace, taking thereof the explees to the value, &c. into which &c. and thereof they produce their suit. And the aforesaid I. F. tenant by warranty defends his right, when &c. and vouches thereupon to warranty I.P. who in like manner presents is here in Court in his proper person, and freely the tenements aforesaid to him warrants, and upon this the same R H. and T.S. demand the tenements aforesaid with the appurtenances, in forme aforesaid, and whence they

they ſay that themſelves were ſeiſed of the tenements aforeſaid, with the appurtenances in their demeſne as of fee and right, in the time of peace, &c. taking thereof the explees to the value, &c.

And the foreſaid I.P. tenant by his warranty defends his right, when, &c. and puts himſelf upon the great aſſiſe of the Keep' of the Lib. &c. and prayes recogniſ' to be made whether he more right hath to hold the tenements aforeſaid, with the' appurtenances as tenant thereof by his warranty as he holds, or the aforeſaid R.H. and T.S. to have the ſame tenements with the appurtenances as they above demand, &c and the aforeſaid R.H. and T.S. pray licence thereupon to imparle, and they have it, &c.

And after the ſame R.H. and T.S. came again here in to the Court, viz. this ſame day in their prope perſons, and the foreſaid I.P. although ſolemnly exacted, came not again, but in contempt of the Court receded one default hath made, therefore conſidered it is by the Court that the foreſaid R.H. and T.S. recover their ſeiſin againſt the foreſaid I.M. of the tenements aforeſaid with the appurtenances, to hold to the ſame R.H. and T.S. and their heirs quit of the foreſaid I.M. and their heirs, as alſo of the foreſaid I.F. and his heirs, and alſo of the foreſaid I.P. and his heirs for ever; and that the ſame I.M have of the land of the foreſaid I.F. to the value, and that the ſame I.F. have of the land of the foreſaid I.P. to the value, and the ſame I.P. is amerced, &c.

Ex' by I.W.
Seneſchal there.

Now here do follow divers and sundry formes of declarations and pleadings incident and belonging to this Court, as followeth.

A declaration for a debt upon specialty.

WIll. S. summ' was to answer E.F. a plea that he render to him 39.s. which he to him oweth, and unjustly deteineth, &c. and whence the same E. by I.B. his Attorney says, that whereas the aforesaid VV. the fifth day of March, the year, &c. at A. within the Jurisdiction of this Court, by a certain his writing obligatory had yielded himself to be bound to the same E. in the foresaid 39.s. to be paid to the same E. when therefore required he should be, the foresaid W. notwithstanding, though often required, the foresaid 39. s. to the same E. as yet hath not rendred, but those to him hitherto to render refused, and yet refuses, whence he sayes he is the worse, and damage hath to the value of xx.s. and therefore produces his suit, &c. and bringeth forth here in the Court the writing aforesaid, which the debt aforesaid in forme aforesaid witnesses, whose date is the day and year abovesaid, &c.

Pledge of Prosecution { I. Doo. R. Roo.

Barre in debt.

By ready to pay, and offers.

AND the foresaid defendant came, and defends the force and wrong when, &c. and says that he at all times from the foresaid fifth day of March, the year abovesaid, hitherto, ready

ready hath been, and yet is to pay to the foresaid plaint' the foresaid 39.s. and those here in the Court profferesh ready to pay, upon which the same plaint those 39.s. here in the Court received, therefore the foresaid defendant is thereof quit, &c.

A declaration upon a bill oblig.

J.H. summ' was to answer I.H. a plea that he render him 30.s. which to him he oweth and unjustly detaineth, &c. and whence the same I.H. by I.B. his Attorney saith, That whereas the foresaid I.H. the fifteenth day of October, the year, &c. here at A. within the Jurisdiction of this Court, by a certain his bill obligatory, which the same I.Hammon which the seal of him I.Holt sealed, here in the Court bringeth forth, whose date is the same day and year acknowledged himself to owe to the same I.Ham. xv.s. to be paid to the same I.Ham. his executors, administrators or assignes, in or upon the feast of Pentecost, then next following the date of the bill aforesaid, and to the same payment well and faithfully to be made, the same I. Holt had obliged himself, his heirs, executors and administrators to the same I.Ham. in the foresaid xxx.s. which he acknowledged by his bill aforesaid to satisfie, for non payment of the foresaid xv.s. and the same I.Ham. in fact saith, that the foresaid I.Holt hath not paid the same I.Ham. the xv.s. nor any penny thereof, according to the forme and effect of the bill aforesaid, by which action accrues to the same I.Ham. to have an exact of the foresaid I.Holt the foresaid 30.s. aforesaid, yet the foresaid I.Holt though oftentimes required the same xxx s. to the same I.Ham. as yet has not rendred, but those to him hitherto to render refused and yet refuses, wherfore he saith that he the worse is, and damage hath to the value of x.s. and thereof produces his suit, &c.

But

Barre by within age.

AND the foresaid I. Holt by I.F. his Attorny came, and defends the force and wrong, when, &c. and saith that he with the debt aforesaid, by vertue of the bill aforesaid charged ought not to be, because he saith, that at the time of the making the bill aforesaid he was within the age of 21. years, and this ready is he to verifie; whence he prayes judgement, whether the foresadd I. Hammon his action aforesaid by vertue of the bill aforesaid in forme aforesaid made against him to have ought.

Replicat. and Rejoynder.

AND the foresaid I. Hammon saith, that he by any matters pre-alledged, from his action aforesaid having precluded ought not to be, because he saith, that the foresaid I. Holt, at the time of the making the bill aforesaid, was of full age of 21. years, and not within age, and this he prayes may be enquired by the Country, and the foresaid I.H. likewise; therefore the twelve, &c.

Debt upon reteiner for wages.

A.B. &c. summ' was to answer C.D. a plea that he render to him 39.s. which he oweth to him, and unjustly detaineth, and whence the same C. by D.W. his Attorney saith, that whereas the aforesaid A. the x. day of March, the year, &c. at S. within the Jurisdiction of this Court had reteined him C. to serve the same A. from the same day for one whole year next following in the office of one Valet, the commands and busnesses of him A. whatsoever lawful and honest according to his power and knowledg, to be doing, soliciting and executing, taking of the same A. for his salary for that time 39.s. and the same C. the foresaid A. in the office

office aforesaid, for the time aforesaid well and faithfully had served, all his commands and businesses lawful and honest according to his power and knowledge, during that time, well and faithfully had done, solicited and executed and the foresaid 39 s. to the same C. for his salary foresaid, by the time aforesaid behinde, were not paid; wherefore action accrued to the same C. to exact the same, and to have of the foresaid A. the same 39 s. the aforesaid A. notwithstanding that he often required the foresaid 39. s. to the same C. hath not rendred, but those to him hitherto to render hath refused, and yet refuses; wherefore he saith that he the worse is, and damage hath to the value, &c. and thereof produces his suit.

Barre by nothing him he owes.

And the foresaid A.B. by I.W. his Atturney came, and defendeth the force and wrong, when, &c. and saith that he oweth not the foresaid C.D. the foresaid 39. s. nor any penny thence in the forme which the same C. above against him warranteth: And this he prayes may be enquired by the Country, and the foresaid C. likewise. Therefore the 12, &c.

A confession in debt.

And the foresaid A. by I.W. his Atturney came, &c. and saith he cannot deny the action aforesaid of C aforesaid, nor but that he oweth the aforesaid C. the aforesaid 39. s. as the aforesaid C. above against him hath declared: therefore granted is it, that the aforesaid C. may recover against the aforesaid A. his debt aforesaid, and his damages by occasion of the detaining that debt of 40 s. to the same C. of his assent by the Court here are adjudged, and the foresaid A. is amerced, &c.

Debt

Debt upon he borrowed.

A.B. attached is to answer E.F. a plea that he render him 30.s. which to him he oweth and unjustly detaineth, and whence the same E.F. by I.W. his Attorney saith, that the same aforesaid A.B. the 10. day of F. the year &c. An, &c. within the Jurisdiction of this Court borrowed of the same E.F. 30 s. to be paid to the same E.F. when therefore required he was; notwithstanding the foresaid A.B. though often required the foresaid 30.s. to the same E F. as yet hath not rendred, but those to him hitherto to render refused, and as yet refuses, wherefore he saith that the worse be it, and damage hath to the val' of x.s. and thereof produces his suit, &c.

Imparlance.

And the foresaid A. by S.T. his Attorney comes and defendeth the force and armes, when, &c. and prayes licence thereupon to imparle here until the next Court, and hath it, &c. The same day is given to the foresaid C. here, &c.

By threats.

And the foresaid W. by N.E. his Attorney comes and defendeth the force and wrong, when, &c. And he saith that he to the debt aforesaid by virtue of the writing charged ought not to be, because he saith that the aforesaid R. the time of the making the writing aforesaid to the same W. such and so great menaces of his life and mutilation of his members upon him to be brought, unless he the writing aforesaid to the foresaid R. make and seal would at A. within the Jurisdiction of this Court imposed, that the same W. that writing, for fear of those menaces to the foresaid R. then and there made, and this ready is he so verifie,

whence

whence he prayeth judgement, whether the foresaid R. his action aforesaid, by vertue of the writing aforesaid against him to have ought, &c.

Replication, &c.

And the foresaid P. saith, that he by any matters preadledged from his action aforesaid, having precluded ought not to be, because he saith that the foresaid W. the time of the making the writing aforesaid, was in his own power at large, and that writing of his meer and free will to the foresaid R. made, and not out of fear of menaces as the foresaid R. in his plea hath alledged, and this he prayes enquired may be by the Countrey, and the foresaid W. likewise: Therefore the 12.

Barre by protestation.

And the foresaid A.B. by T.C. his Attorney comes and defendeth the force and wrong, when, &c. and he saith that the foresaid R.S. his action aforesaid, thence against him have or maintain ought, because he protests that no such collocution betwixt the foresaid A. and R. had there was, that the same A. should deliver the foresaid R. the foresaid two pieces, &c. in part of satisfaction of the foresaid 39 s. in the declaration aforesaid specified, protesting also that the foresaid A. brought not with him the foresaid C. in this declaration aforesaid also specified the two pieces, &c. to carry away, to deceive and defraud the foresaid R. of the foresaid two pieces, as in the declar. aforesaid above is supposed, protesting also that the foresaid A. giving belief to the assumption of the foresaid R. delivered not to the foresaid C. the foresaid two pieces, &c. by limitation and assumpsit of the said A. as in the declar. aforesaid also supposed is, protesting also that a certain collocution had was betwixt the foresaid A. and R. that the foresaid R. should deliver upon tone to the foresaid A. 29. s.

in

in moneys numerate, under a certain condition, and upon which agree they could not; therefore the foresaid discourse void and of no vigour was, and for plea the same A. saith that he promised not, nor upon him assumed in manner and form, as the foresaid R. above against him plaineth, and this he prayes may be enquired by the countrey. And the foresaid R. likewise. Therefore &c.

Barre by concord.

And the foresaid A. by I. P. his Attorney came, and defendeth the force and wrong, when, &c. And saith that the foresaid C. his action aforesaid therefore against him have or maintain ought not, because protesting that he acknowledges not any of the things in the declaration aforesaid to be true, for plea yet he saith, that after the assumption and promise aforesaid made, viz. the tenth day of May, the year, &c. at, &c. between the same A. and the foresaid R. as well of the assumption and promise aforesaid as of all other trespasses and offences betwixt the same A. and the foresaid R. before the same 10. day of May had, were moved and done or hanging, by mediation of friends betwixt them amicably intervening was had such concord, viz. that the same A. in full satisfaction and release as well of the assumpsit whence the foresaid R. above him now plaines, as of all other trespasses and offences by the same A. before that time to the foresaid R. done, should give to the same R. two cowes, and that the same A. from that time against the foresaid R. as well of the assumpsit and promise aforesaid, as of all other trespasses and offences should be quit for ever, and the same A. saith, that he then and there gave and delivered to the foresaid R. two cows, and the same R. these two cows of the same A. then and there received, according to the forme and effect of the concord aforesaid, and this ready is he to verifie, &c.

No

No such Concord.

Precluded not, because he saith there was not had any such concord betwixt him R. and the foresaid A. in manner and form, which the same A. in barre pleading alledged hath, and this he prayes may be enquired by the country, and the foresaid A. likewise, &c. therefore 12. *&c.*

Count upon delivery by anothers hands.

T.G. summ' was to answer N.P. a plea that he render him 30. *s. which to him he oweth and unjustly deteins, &c. and whence the same N. by R.L. his Attorney saith, that whereas a certain P.R. the last day of I the year, &c. at B. within the Jurisdiction of this Court had delivered to the foresaid T.G. the foresaid* 30 *s. to be payed and delivered to the same N. whensoever by the foresaid N. he should be required, yet the foresaid T.G. although oftentimes required, the same* 30. *s. to the same N. as yet hath not rendred, but those to him hitherto to render refused and as yet refuses; wherefore he saith, that he the worse is, and damage hath to the value of* 20. *s. and thereof produces his suit, &c.*

Nothing him he owes by law.

And the foresaid T. by B.C. his Attorney came, and defends the force and wrong, when, &c. and saith, that he oweth not the foresaid N. the foresaid 30 *s. nor any penny thereof in the forme which the same N. above against him declared hath, and this ready he is to defend against him and his suit by the law of him T. as the Court here shall grant thereof to be made, &c. whence he prayes judgement whether the foresaid N. his action aforesaid against him to maintain ought, &c.*

Demurrer

Demurrer thereupon.

And the foresaid N. saith, that the foresaid defence of the foresaid T. by his Law to be made pretended, is not a sufficient issue, nor admitable him T. against the foresaid matter in the Declaration of him N. contained; from his action aforesaid having to preclude; wherefore he prays judgment, and his debt aforesaid, together with his damages, &c. for defect of sufficient answer and issue, to him to be adjudged.

And the aforesaid T. since that the aforesaid answer and said defence by his Law to be made in form aforesaid, sufficient answer and issue admitable are in law, the foresaid N. from his action aforesaid to preclude, and the foresaid N. the law of him T. in this part to be made, to admit altogether refuses, he prayes judgement, and that the foresaid N. from his action aforesaid having precluded, may be, &c.

Debt brought by exec' against exec' upon spec.

A. T. exec' of the test' of T B. sum' was to answer E. W. exec' of the test' of S. A. a plea, that he together with C. co-exec' of the aforesaid T. of the test' of the forest T. render to him 38. s. which from him unjustly he detaineth, &c. and whence the same E. by I. W. his Atturney saith, that whereas the foresaid T B. the twentieth day of August, the year, &c. at P. within the Jurisdiction of this Court, by a certain his writing obligatory yielded himself to be bound to the same S. in the aforesaid 38 s. to be paid to the same S. in the Feast, &c. the foresaid T. notwithstanding in his life time, nor the foresaid execut' of his test' after the death of the same T. though oftentimes required the foresaid 38 s. to the foresaid S. in his life time, nor to the same Exec' after the death of the same S. rendred have not, but those to him

in

to render refused, and yet refuses, and those from him unjustly detaineth; wherefore he saith, that he the worse is, and damages hath to the value of x.s. and thereof he produces his suit. &c. And he brings forth here in Court, as well the writing aforesaid as the testament, by which it is apparent enough, that he E. is Executor of the Testam. of the foresaid S.

Debt brought by Administrators.

W. W. summoned was to answer I. A. Administratrix of all and singular the goods and chattels of L. A. who died intestate, as said is, a plea that he render her 39 s. which from her unjustly he deteins, &c. and whence the same I. by I. W her Attorney saith, that whereas the said W. such day and year, &c. at S within the jurisdiction of this Court, by a certain his bill obligatory, which the same I. with the seal of W. signed, here in Court brings forth, whose date is the same day and year, acknowledged himself to owe to the foresaid L. the foresaid 39. s. in his life time to be paid to the same L. at such a feast next, &c. and to that payment well and faithfully to be made, the foresaid W hath obliged himself, his heirs and executors by the same bill, yet the foresaid W. though often required, the 39 s. to the foresaid L. in his life time, or to the same I. after the death of the same L. to whom the administration of all the goods and chattels of the foresaid L. at the time of his death, by W. L. of the Lawes Doctor, of the Court Prerogative of Canterbury Master, the twentieth day of May, the year of our Lord one thousand six hundred and sixteen, as L. aforesaid, after the death of the foresaid L. committed was, hath not rendred, but those to her to render refused, and those to the same I. to render refuses, and unjustly detaineth, wherefore she saith that she the worse is, and damage hath to the value of twenty shillings, and thereof she produces her suit, &c. And she brings forth

here in Court the letters of administration of the foresaid W.C. by which, &c.

Non sum informatus. Not informed.

And the foresaid VV. by N.E. his Attorney came, and defendeth the force and wrong, when, &c. and said it was to the same Attorney of the same VV. that for the same VV. his Master, to the foresaid I. in the plea foresaid, he should answer, and the same Attorney saith, he is not informed by the same W. his Master of any answer for the same VV. to the foresaid I. in the plea foresaid to be given, and no other thing thence saith, by which the foresaid I. remains against the foresaid VV. thence undefended. Therefore granted is it that the foresaid I. recover against the foresaid W. his debt aforesaid, and damages, by occasion of the detaining that debt to 56.s. to the same I. by her assent, by the Court here adjudged are, and the foresaid VV. is amerced, &c.

Plenè administravit. Fully administred.

And the foresaid A. by T. B. his Attorney came, and defendeth the force and wrong, when, &c. and saith, that the foresaid plaintiffe, his action aforesaid, against her to have ought not, because she saith, that she fully administred hath of the goods and chattels of the foresaid I. at the time of his death, and that she no other goods hath, nor chattles of the said I. at the time of his death in her hands, administred to be, nor had the day of the entry of this plea of the Plaintiffe, nor at any time after, and this ready is she to verifie; wherefore she prayes judgement whether the foresaid plaint' his action aforesaid against her to have ought, &c.

Replication.

Replication and Rejoynder.

And the foresaid plaint' saith, that he by any things prealledged from his action aforesaid, having precluded ought not to be, because he saith, that the foresaid defend' the day of the entry of the plea of the foresaid plaint' viz. such day and year, &c. had divers goods and chattels of the foresaid I. at the time of his death in her hands administred to be, to the value of the debt aforesaid, whereof the same plaint of that debt have satisfied he might, viz. at A. within the Jurisdiction of this Court, and this he prayes may be enquired by the Country, and the foresaid defend' likewise; therefore 12. *&c*

A Speciall not his Deed.

And the foresaid defend' by C R. his Attorney came and defendeth the force and injury, when, &c. and saith, that he with the debt aforesaid, by vertue of the bill aforesaid, charged ought not to be, because he saith, that after the same defend' sealed and delivered had the bill aforesaid to the foresaid plaint', that bill a new written, and interlined was in these words, viz. Th' Curwen, *by which that bill so anew written and interlined, its force lost and effect, and so that bill aforesaid is not his deed, and of this he puts himself upon the Country, and the foresaid plaint' likewise, &c. Therefore* 12. *&c.*

Nihil dicit in debito. Nothing he saith.

And the foresaid defend' by A.B his Attorney came, and defendeth the force and wrong, when, &c. and nothing saith in barre of the action aforesaid, of the plaint' aforesaid, by which the plaint remains against the same defend' therefore undefended. Therefore granted is it that the

foresaid plaint' recover against the foresaid defendant his debt aforesaid, and damages by occasion of the detaining this debt, to x s. to the same plaint' by his assent by the Court here adjudged, and the foresaid def. is amerced, &c.

Action on the case upon indebted be assumed.

G.D. by R.M. his Attorny plaineth against R.D. a plea of trespasse upon the case, for that, that whereas the foresaid def. the day and year &c at &c. indebted was to the foresaid pl. in xi. s. lawful money of England, for one jerkin by him the pl' to the def' aforesaid before sold and delivered, and so indebted being after, viz. the 1. day of I. the year, &c. at S. within the jurisdiction of this Court, the foresaid def' in consideration thereof upon him assumed, and to the same plaintife then and there faithfully promised to pay to the same plaintife the foresaid xi. s. yet the foresaid defendant his promise and assumption aforesaid not regarding, but contriving him the plaintife of his foresaid xi. s. craftily to deceive and defraud, the foresaid xi. s. to the same plaintife as yet hath not paid, although to the same plaintife to pay them after, viz. the same day, year and place within the jurisdiction of this Court, by the same plaintife required he was, to the damage of him the plaintife x. s and thereof he produces his suit, &c.

Pledg' of Prosecution, { J. Doe. R. Roe.

Otherwise indebted be assumed.

I. C. attached is to answer I W. plea of trespass upon the case, and whence I W. by I.S. his Attorny saith that whereas the foresaid I.C. the first day of Oct. the year, &c here at S. within the Jurisdiction of this Court indebted was to the foresaid I W. in the summ' of 38. s. of lawful money of

England

England for arrearez of rent of one messuage and one acre of land, and for diverz summes of pence upon borrowing delivered, and also for diverz other things to the same I. by the foresaid I. before that time due and payable, and so indebted being, the same I. C. in consideration thereof upon him assumed, that he the same I. C. the foresaid 3 l. 5 s. to the same I. W. when thereafter required he should be well and faithfully to pay and content would, yet the foresaid I. C. his promise and assump not regarding, but contriving and fraudulently intending the same I. W. in this part craftily and naughtily to deceive and defraud of the foresaid 3 l. 5 s. the same I. according to his promise and assump aforesaid, though to this afterw. viz. the 10 day of Octo. the year &c. aforesaid at S aforesaid by the same I. required he was, he paid not but those to him altogether as yet to pay hath refused, and yet refuseth, wherefore he saith he the worse is, and damage hath to the value of x. s. and thereof produceth his suit, &c.

Not assumed.

And the foresaid I. by I. W. his Attorney came and defendeth the force and injury, when &c. and saith, that he assumed not to the same plaint in manner and forme as the foresaid plaintife against him plaineth, and of this he puts himselfe upon the countrey: and the foresaid plaintife likewise therefore &c. &c.

Action upon the case upon together they accounted.

R. S. plaineth of N. W. a plea of trespasse upon the case for that viz. that whereas certain H. W. and R. H. the 2. day of I. the year, &c. at A. within the jurisdiction of this Court together accounted with the same R. of diverz summes of pence, before that time for arrears of rent, and other things to the same R. by the same H. and R. due and to be paid, and upon that accounts the same H. and R found were

in arrears to the foresaid R. in the summ of 36. s. of lawful mony of England, to be paid to the same R. when therefore required they should be, and whereas the foresaid W then and there likewise the same second day of I. the year abovesaid, at A. aforesd instantly required the foresd R. that the same R. would acquit and exonerate the foresd. H. and R. of the foresd. 36. s. and the foresd. N. in consideration thereof upon him assumed, and to the same R. then and there faithfully promised, that he the same N the foresd. 36. s. to the same R. when therefore required he should be, well and faithfully pay and content would, and the same R. in fact saith, that he beleeffe having to the promise and assumpsd of him N. aforesd then and there acquitted and exonerated the foresd H. and R. of the foresd. 36. s. yet the foresaid N. his promise and assumpsd so little regarding, and fraudulently intending the same R. in this part craftily and naughtily to deceive and defraud the 36. s. to the same R. though to this at A. aforesaid, within the Jurisdiction aforesaid, after viz. the last day of J. the year abovesd. by the foresd R. required he was, he paid not, nor in any manner for the same contented by which the same R. saith, that he the whole gain, commodity and profit which he with the foresd. 36. s. by buying and selling, and lawfully bargaining have had, and gain might, if the foresd. N. his promise and assump aforesd so in forme aforesd made, had held and performed, wholly lost and missed hath, wherefore the same R saith, that he the worse is, and damage hath to the value of xx s. and thereof he produceth his suit &c.

Action upon the case upon indebted he assumes.

T. E. plaineth against B B. a plea of trespasse upon the case, for that, viz. that whereas the foresd B. the first day of J. the year, &c. at A. within the jurisdiction of this Court, in consideration that he foresd T. at the special instance and request of him B then and there upon lone gave and lent to the same B. 30. s. of good and lawful money of England, upon him he

as.

assumed, and to the same T. then and there faithfully promised, that he the same B. 30.s. of good and lawful money of England to the same T. when therefore required he should be well and truly paid, and content would, yet the said B his promise and assumpt' aforesaid little regarding, but contriving the aforesaid T. of the aforesaid 30.s. craftily and subtilly to deceive and defraud, the aforesaid 30.s. to the aforesaid T. though by the same T. after, viz. the first day of Oct. the year &c. above said, at A. aforesaid required was, according to his promise and assumpt' aforesaid, as yet has not paid, nor in any manner contented, by which the aforesaid T. in his credit toward divers of the people of, &c. and especially toward I. M. to whom the same T. in the like sum' of 30.s. indebted was and to whom the same T. the same 30.s. at the right day now long since past, upon hope and beliefe of the true performance of the promise and assumption aforesaid, to pay and content had promised, manifoldly hurt, and the worse is, and damage hath to the value of xx.s. and thereof produces his suit, &c.

Plaint upon replevin.

William L. summ' was to answer W. B. a plea of taking and unjust detaining of his beasts, and whence the same W. B. by R. D. his attorney plaineth that the aforesaid W. L. the fifth day of December, the year, &c. at S. in a certain place there called Bushy close of his W. B. within the Jurisdict' of this Court took his beasts, viz. one Cow of his W. B. and that unjustly detained against sures' and pleg' until, &c. wherefore he saith that he the worse is, and damages hath, to the value of 39.s. and therof produces his suit &c.

Avowry for damage doing in his Franktenem'.

And the said W in his proper person came, and defendeth the force and wrong, when, &c. and well avows the taking of the beasts aforesaid in the foresaid place in which &c and justly. &c because he saith that the foresaid place in which supposed is the taking of the beasts aforesaid to be is, and the aforesaid time of the taking aforesaid supposed to be, was the soil and franktenement of him W. and that the cow aforesaid was at that time in the same place, the herb then and there growing eating up, and damage doing, by which the same W. took cow then and there so damage doing, took and impounded, as well he might, and this ready he is to verifie; wherefore he prayes judgement and the return of the beasts aforesaid to him to be adjudged &c.

Avowry other wise one in his own right, and otherwise as a servant by his command.

And the foresaid R.B. and T.B. by their Attorney came and defend' their force and wrong, when, &c. and say that the foresaid R B. is, and at the time of the taking of the beasts aforesaid, to be supposed, was seised of a certain close called the Coniger, in the foresaid Town of E. within the jurisdiction of this Court, in his demesne as of fee, a certain mare the aforesaid time in which, &c. was in the close called the Coniger his herb there eating up, and damage doing, by which the same R B. in his own right, and the aforesaid T.B. by his command, took that mare and her impounded as well they might, without that that they took the mare aforesaid in the aforesaid place called the Common Mead, as the aforesaid W.T. against them plaineth; and this ready they are to verifie. Wherefore they pray judgement, and return of the beasts aforesaid to be to them adjudged, &c.

Avowry.

Avowry for amercement in the Leet.

And the foresaid L. P. by T. R. his Attorney came, and defends the force and injury, when, &c. and as Baily of T. H. Esq; well acknowledges the taking of the beifer aforesaid in the aforesaid place in which, &c. and justly, &c. Because he saith, that the same place in which supposed is the taking of the beifer aforesaid to be contained, and the aforesaid time in which supposed is the taking of the beifer aforesaid to be contained 12 acres of land called Rekefields in W aforesaid within the precinct of the court of view of frankpledge of the said T. H. within the Manor of M. to be held in the County of Suth' foresaid of which manor with the appertinen' before the foresaid time in which, &c. and the same time in which &c. the foresaid T. H. was seised in his demesne as of fee, within which manor the same Thomas and all those whose estate the same Thomas now hath, and the foresaid time in which, &c. had in the manner aforesaid with the appertin' from the time the contrary of which in the memory of men is not, have had, and to have, hold and keep have used a court of view of frankpledge twice by the year, viz. once within a month next after the feast of Easter, and again within a month next after the feast of St. Mich. the Archangel in that Manor, before the Seneschal of that Manor for the time being, and all the inhabitants and residents within that Manor at the court of view of frankpledge of the Manor aforesaid accustomed were to appear, and there charged to be and sworn of and upon all articles which at the court of view of frankpledge aforesaid belong to be enquired of, and that the foresaid T and all those whose estate the same T. in the Manor aforesaid, with the pertinen' now hath, and the foresaid time in which, &c have had, and from the whole time aforesaid have used to distrein for penalties and amercements in the same Court of view of frankpledge impos'd, and the same L. saith, that before the foresaid time in

which

which, &c. viz. at a certain court of view of frankpledg' held at the manner afores. within the moneth next after the feast of Saint Mich. the Archangel, viz. the 20 day of Sept. the year, &c. before W. T. Gent. the Senesch. of the Court of view of frankpledg' of his manner afores. by certain John N. &c. (reciting all the Jurors by their names,) in the same court of view of frankpledge of those things which to the court of view of frankpledg' afores. belong, charged and sworn to enquire upon their oath presented was it, that the fores. W. T. resident and inhabitant within the precinct of the Court of view of frankpledg' afores. then was, and that divers hedges of the same W. within the precinct of the manner afores. open lay, to the hurt of divers inhabitants within the manner afores. for which then and there commanded was it to the same W. T. sufficient to make his hedges, viz. at the home breach against the way publ. and his hedges against the lane called Morie lane, &c. before the 15. day of Octo. then next to come, under the penalty of 20 s. before which day the same W. his hedges afores. made not, according to the precept of the Jurors afores. by which the fores. penalty of the fores. xx. s. by the fores. W. T. forfeited were; and because the fores. xx. s. for the penalty fores. the fores. time in which, &c. to the foresaid T. H. arrere were unpaid, the same L. as baily of the fores. T. for the same xx. s for the penalty fores. arrere being unpaid, well acknowledges the taking of the heifer afores. in the fores. place, in which, &c and justly, &c. within the precinct of the view of frankpledge aforesaid, &c.

Barre when beasts enter for default of inclosure, and the avowant ought to make it.

And the fores. T. saith, that the fores. E. the taking of the beasts fores. by the reason prealledged justly to avow ought not, because he saith that the time of the taking afores. done, a certain W. C. was seised of a certain close called R. in M. in the County foresaid, in the fores. place, called G. contiguously

ously lying in his demesne as of fee, and the same W. so thereof seised, before the same time in which, &c. one A. that close demised to the same T. to have to him at will of the said W. by which pretext the same T. the time of the taking aforesaid done, of that close was possessed, and the forel. E. the same time was seised of the foresaid close called G. in his demesne as of fee, and the same E. and all those whose estate then he had in that place, have made and repaired, and used were to make and repair, as often as need should be, a certain hedge or closure the same place called G. from the foresaid close called M. also ether separating and fencing, from the time the contrary of which in the memory of men is not, and the same T. saith, that he of the foresaid close called M. by vertue of the demise aforesaid possessed, before the foresaid time in which, &c. put his beasts aforesaid into that close to feed there, and because the hedges of the foresaid E. the time of the taking aforesaid done, and before for default of reparation thereof in divers parts of the same, broken was and wasted, the beasts aforesaid into that close in the foresaid place called G. by that reason at the time of the taking aforesaid, ofcause and entred, and the foresaid E. then there being, the beasts then and there took, as by the Court aforesaid is supposed, and this ready is he to verifie, wherefore he prayes judgement and his damages, by occasion of the taking to be adjudged, &c.

Replic. of the pl' the inclosure was sufficient.

And the foresaid E. saith, that those beasts the time of the taking aforesaid supposed to be, the hedge aforesaid sufficiently made and repaired violently broke, and into the same place called G. entred, and the herb in that place growing eat up, and damages in it did, for which the same E. those beasts then and there took, as the same E. above alledged hath, and this ready is he to verifie, wherefore he

prayes

prayes judgement, and the return of those beasts to be adjudged him, &c.

Rejoynder.

And the foresaid T. saith, that the hedges aforesaid at the time of the taking aforesaid supposed to be, broken and wasted were in the form which the same T. above alledged hath, and this he prayes may be enquired by the countrey, and, &c. likewise. Wherefore, &c.

Action of trover.

Finding. IP. plaines of I K. of a plea of trespas upon the case, and whence the same I. by t. W. his Attorny saith, that whereas the foresaid I. P. the first day of N. the year, &c. at P. within the jurisdiction of this court possessed was of two ewes of the price of x. s. as of his goods and chattels proper, and so thereof possessed being after, viz. the same day and year, at P. aforesaid, the goods and chattels aforesaid out of his hands and possession casually he lost and missed, which goods and chattels after, viz. the same day and year at P. aforesaid to the hands and possession of him I. K. by finding came, yet the foresaid I. certainly knowing the goods and chattels aforesaid to be the goods and chattels of the foresaid I. P. and to him I. P. of right to belong and pertain, contriving and fraudulently intending the same I. P. in this part craftily and subtilly to defraud and deceive, the goods and chatt' aforesaid of the foresaid I. P. though often required, &c. as yet hath not given up nor delivered, but the goods and chattels aforesaid after, viz. the first day of D. the year above said, to his own use and commodity disposed and converted, to the damage of him I. P. of xx. s. and thereof he produces his suit, &c.

Court

Count in treſpaſſe.

S.S. attached was, to anſwer I.E. a plea, why be together with W.L. the cloſe and houſe of him I. at B. within the juriſdiction of this court broke, and other enormous, &c. Whence the ſame I. by I H. his Attorny plaines, that the foreſaid S. together, &c. the xxx. day of September, *the year, &c. the cloſe and houſe of him B. at B. within the juriſdiction of this court broke, and other enormous, &c. to the grievous damage of him I. whence he ſayes that he the worſe is, and damage hath to the value of xx. s. and thereof he produces his ſuit, &c.*

For the cloſe and houſe broken, and herbs taken, then ſo.

And whence the ſame H. in his proper perſon plaines that the foreſ. I. together with R.R. and I.L. the x. day of Sept. *the year, &c. the cloſe and houſe of him A. at W. within the juriſdiction of this Court broke, and his herb to the value of xx.s. now lately growing with certain beaſts, viz. horſes, oxen, cowes, and boggrels eat up, trampled and conſumed, and other enormous things to him hath done, to the damage of him H. xxx.s. and thereof he produces his ſuit, &c.*

Culpable not pleaded.

And the foreſ. def. by I F his Attorney come, and defende the force and wrong when, &c. and as to ſomany treſpaſſes aforeſ beſides the breaking of the cloſe aforeſ. he ſaith that he no wiſe is thereof culpable, as the foreſ. plaint above againſt him plaineth, and of this he puts himſelf upon the country, and the foreſ. pl likewiſe, and as to the breaking the cloſe aforeſ. the ſame def. ſaith, that the foreſaid pl. his action againſt him to have ought not, becauſe he ſaith, that the foreſaid

ſaid plaintiffe before the time in which ſuppoſed is the treſpaſſe aforeſaid to be, one cow of his the def' at G aforeſaid found, without cauſe reaſonable took and her into the cloſe aforeſaid drove, and her there impounded, for which the ſame def' that cow again to have, the cloſe aforeſaid the aforeſaid time in which &c. entred, and her then and there took and brought away, as well he might; and this ready is to verifie: wherefore he prayes judgement whether the foreſ. pl. his action aforeſaid therefore againſt him to have ought, &c.

Replication of his own wrong without ſuch cauſe and iſſue upon it.

And the foreſaid plaintiffe ſaith, that he for any things prealledged from his action aforeſaid of breaking the cloſe aforeſaid againſt the def' aforeſaid precluded ought not to be, becauſe he ſaith that the aforeſaid def' the day and year aforeſaid, of his own wrong, and without the cauſe by him the def. prealledged, the cloſe of him the pl. at C. aforeſaid broke, as he above againſt him plaineth, and this he prayes may be enquired by the country, and the foreſ. def. likewiſe: wherefore &c. &c.

Barre in treſpaſſe by offer of reaſonable amends.

And the foreſaid def. by I W. his Attorney come, and defend the force and wrong, when, &c. and ſaith that the foreſaid plaint' his action aforeſaid againſt him to have ought un, becauſe he ſaith, that he immediatly after the foreſaid time of the treſpaſſe aforeſaid to be ſuppoſed, viz. the 10. day of Jan. the year &c. at N. aforeſaid, by the prayer hands of him the def. offered to pay to the foreſaid pl. xl.s. for his damages with the cowes aforeſ. in the foreſ. plea in which, &c. to the foreſ. pl. done, which xl.s were ſuffi-

cient

amendment for the damages with the cowes aforesaid, in the foresaid place in which. &c. the same time which, &c. done, which xi.s. the foresaid pl. of the same def. to receive then and there altogether refused. And this readie is be to verifie; wherfore he prays judgment whether the fores. plaint' the action afores. therefore against him to have or maintain ought. &c.

Tender of sufficient amends is a good plea in repleg' before impounding the beasts, not after.

Note, that if any man pl. or def. be minded to remove any action out of this Court, he must do it by the Keepers of the Liberty of *England* by authority of Parliaments writ, called an *Accedas ad cur'*, which issueth out of the Chancery; and it must be made by a Cursiter of that Shire where the action lieth, and directed to the Sheriffe of the same County. who will make his warrant to the bailiffe of that Court, and the bailiffe must take his return of the warrant, thus; First, the bailiffe sends or delivers to the Sherife a copy of the entrance of the Court, when the cause was removed, thus;

Alton Westbrook.

The court of R.T. Knight, there held on Thursday, viz. the x. day of May, the year, &c. before I.W. G.S. R.H. and T.D. suitors of the same Court.

The Copy of the plaint.

I.S. plaineth against W.W. a plea of taking and unjust deteining of his beasts.

By vertue of this precept to me directed, taking with me I.W. &c. four discreet Knights of the Hundred of A. foresaid, I came to the Court of R.T. Knight, and to be recorded caused the plea which is in the same Court betwixt.

I.S.

I.S. pl' and W.W. defen', and that record ready I have under my seal and the seals of the aforesaid 4. Knights of the same Court, of those who at that Record present were, and to the parties aforesaid the same day have I prefixed, as to me commanded was. In testimony of which matter, as well I R.F. Baily of the Hundred aforesaid, as the aforesaid I.W. &c. 4. legal Knights of the Hundred aforesaid, to these presents our Seal have put.

Thereupon the Sheriffe maketh his returne, as to the said writ appeareth.

FINIS.

The RETURN OF WRITS

Newly corrected:

With divers other good Returns, and many Cases of the Common Law to it added:

Very necessary and profitable, as well to young Students of the Law, as to Sheriffs, Coroners, and others, who have to do with the Returns of Writs, for the better understanding of the Law in the said Returns.

Imprinted at *LONDON*, *Anno* 1657.

RETURNS

OF

WRITS

Newly corrected:

With divers other good Returns,
and many Cases of the Common Law to it added:

Very necessary and profitable, as well
to young Students of the Law, as
to Sheriffs, Coroners, and others, who
have to do with the Returns of Writs,
for the better understanding of the
Law in the said Returns.

Imprinted at LONDON,
Anno 1654.

Processe in the Court-Hundred, Court-Baron, &c.

Pledges of Prosecu. I.D.R.F.

THe within named H.E. attached is by pledg N.F R.D. *Pone.*

I.D. Knight Sher.

The within named I.H. nothing hath in my Shire, by which attached he may be.

Note that every *Pone* is but a Sum. *Pone upon Replev.*

By vertue of this Writ to me directed have I put before the Justices, &c. of the *Common Bench* at *Westm.* the Plee which is in my County, by writ of the Keepers of the Lib. of *Engl.* &c between T.W. and H.B. concerning the beasts of him T.W. taken and unjustly detained, as is said it is, as it appeareth in a certain Schedule to this Writ annexed, &c.

Sum. T.P.L.D. *The Schedule.*

At my County held at N. the 12. day of N. the year, &c. T.W. plaineth against H.B. a plea of taking, and unjust detaining of his beasts; and there are pledges of Prosecut. and of return to be had, if return thereupon adjudged be, viz. I.M. W.F. In testimony of which matter I.C. B.C. I.G. and R.S. four legal men of those who at that Record present were, in full Court their Seals severally have put, the day and year aboveſaid.

Recordari fec' loqueli in my County.

By vertue of this writ to me directed in my full County held at W. in the County of W. within written such day and year, to be recorded have I caused the plea, which is in the same County betwixt the parties within written, of which beneath is made mention, which plea appeareth in a certain Scedule to this writ annexed, and that Record I have before the Justices within written, at the day and place within contained, under my Seal and the Seals of W. H. T. R. four good and legal Knights of the same County, of those who at that Record present were, and to the parties within written that day have I prefixed, that then they be * in that plea, as just it may be to prosecute, as within to me commanded is.

* *There must be meant.*

The Schedule.

As my County of W. held at W. in the County aforesaid such day and year, before W. H. S. S. T. V. and A. B. four Suiters of the Court aforesaid, amongst other matters all contained.

The plea.

R. S. plaineth against *I. M.* a plea of taking and unjust detaining of his beasts against gages and pledges, &c. and there are pledg' of prosecut' as also of return to be had, if return thereupon adjudged be.

Pledg' of Prosecut. I. D. R. F. In testimony of, &c.

Otherwise.

By vertue of this writ to me directed, to be recorded I have caused the plea which is in my County betwixt the parties beneath, and to the same parties day have prefixed, to be before the Justices within written, at the day and place within contained, as that writ exacts and requires; which plea appeareth in a certain Scedule to this writ annexed.

The plea.

A. B. plaineth against C. D. a plea of taking and unjust detaining of his beasts Pledg' &c. as before.

By

By vertue of this writ, I to be recorded *I* have caused the plea which is in my County without the writ of the Keepers of the Libert' &c betwixt W.H, and A.D. concerning the beasts of him V.V.H. taken, and unjustly detained, as said it is, and that Record *I* have before the Justices within written, at the day and place within contained, under my Seal, and the Seals of *T.W*, &c. foure legal Knights of my County of those who at that Record present were, as it appeareth in a certain Scedule to this writ annexed, according to the exigencie of this writ. *Otherwise.*

At my County held, &c. as before.

By vertue of this writ in forme within written, I came to the Court within written, and in that full Court to be recorded caused the plea within written; and that record as it appeareth in a Scedule to this writ annexed, *I* have before the Justices within written, at the day and place within contained, and to the parties within written that day have prefixed, that then they be there, in that plea as just it may be to proceed, as within to me is commanded.

A.B. plaineth of G.D. a plea of taking, and unjust detaining of the beasts of him A. B. in testimony of which matter *I*.K.T.S.W.H. and R.I. four legal men of those who at that record present were, in the full Court at D. the 10. day of *I*. the year, &c. to the same record their seals severally have put, the day and year above said, &c. *The Schedule.*

No Court of the within written *I.D.* of which within is made mention, held was after the receit of this writ, and before the day of return of the same, by which execution of this writ at present by me made may be. *Otherwise.*

By vertue of this writ of the Keep' of the Libert' &c. to this Scedule annexed, having taken with me *B.C.D.E. I.G.H.I.* foure legal Knights of my said County, *Otherwise in* (*B* *H*

County, in proper person I came, to such Hundred, or such Court, and in that full Court, or in that full Hundred, the plea before the justices within written at the day and place within contained, under my Seal and the Seals of four legal men of the same Court, who at that Record present were, I have ready to this writ annexed, according to the tenour of this writ, and to the parties in the same writ named the same day, I have prefixed, that then they be there in that plea as iust it may be to proceed, according to what this writ exacteth and requireth, &c.

Otherwise. By vertue of this writ of the Keepers of the Liberties, &c. to this writ annexed, having taken with me four discreet and lawful Knights of the County of *W.* I came to the Hundred, of which in the said writ is made mention, held at B. such day and year, and in the full Hundred, the plea of which in the said writ is made mention have recorded I would, and I.S. Baily, then and there in full Court sitting, having seen and heard the writ aforesaid, his books the plea aforesaid concerning immediately shut, rose up, and hasting from that Hundred, together with all those books, and all the suits of the same Hundred then and there being, he took with him, and without delay departed, and the precept of the said Keepers, &c. in the said writ specified, then and there to execute, he altogether denied and refused, and the books aforesaid without delay, then and there from my sight with force and armes by strong hand he took away and rescued, for which execution of this writ at present make I cannot.

Pledg

Pledg. of Prisec. I.D.R.R.

The residue of the execution of this writ appeareth in a certain scedule to this writ annexed. *Adigas al Curia.*

Sum^a L.D.R.F.

By vertue of this writ to this Schedule annexed such day and year, &c. Having taken with me, R.T.L.B. R.C. and W.B. four discreet and legal Knights of my Shire, I came to the Court of *E.* Duke of B. of K. in the writ aforesaid named, and in that full Court I required of the Baily and Suitors of the same to record the plea which was in the same Court, by the petty writ of the Keep^a, &c. betwixt R.T. Demandant, and T.B. Tenant of one Messuage, &c. *The Schedule.*

The Hundred of E.B. Esquire, held there by W.B. his Seneschal there, before T. and R.C. &c Suiters of the Court of the Hundred aforesaid, the tenth day of M. the year, &c. amongst other matters, so thus is it contained.

I.S. Gentleman plaineth against R.G. a plea of taking and unjust detaining of his beasts or chattels. *The Plea.*

Pledg^a of Prosec^a and of beasts to be returned, if, &c. A.B.C.D.

The names of four lawful men of the Hundred of those who at that Record present were, A.B.C.D. *E.*F. G.H.

By vertue of this writ to me directed in forme within written, *I* came to the Court within written, and in that full Court to be recorded, *I* caused the plea within written, and that Record as it appeareth in a Schedule to this writ annexed, *I* have before the Justices, at the day and place within contained, under my Seal, and the Seals of I.B. &c. foure good and legall men *Record to be delivered in Court*

of my Shire of those who at that record present were, and to the parties, *&c.* as before.

Otherwise if the Record be not delivered.

By vertue of this writ to me directed, in my proper person, having taken with me I.S. &c. good and lawful Knights of my County, I came to the Court of I.D. Esquire, to record the plea within written, at the day and place within contained, as within to me is commanded: whereupon the Suiters of the Court aforesaid, at the town of C. in full Court, me the within written Sheriffe, the said writ there to execute, or as to the said plea in any manner to intermit, altogether denied; for which execution of the writ aforesaid make I could not.

False Judgment.

By vertue of this writ having taken with me *P. M. &c.* four legal Knights of my County, in my proper person I came to the Court of B. held at N. such day and year, and amongst the parties of that Court, of *A.B. &c.* Suitors of the same Court, and *R H.* Seneschal there, I required the Record of the plea which is in the same Court by the petty writ of the Keep' of the Liber' *&c.* of right betwixt *I.P.* demandant, and *N S.* tenant, to be made and to me delivered, which Seneschal and Suiters that record thereupon, to me deliver would not; for which execution of the said writ make I could not.

Pro-

Proces in the Common Bench.

Pledg' of Prosecut, I.S.R.M.

Sum' within written. L.S. P.M. R.S. *Original in Det.*

I.D. *Knight Sheriffe.*

Pledg' of Prosec. I.D.R.R.

The within named *A.B.* nothing hath in my Shire, by which Summ' he may be.

By vertue of this Writ to me directed, to the Justices within written I certifie, that *T.A.* within named is a Clerk beneficed in the Bishoprick of *London*, having no lay fee in my Shire where he may be Sum'. *A Clerk.*

Note the def' ever must be sum' fifteen dayes before the day of return' of the Writ. *Orig' in trespasse.*

Pledg' of Prosec' I.R.R.D.

I.E. within named nothing hath in my Shire, by which attached he may be.

Pledg' within named, I.D.I.W.R.R.

I D. within named attached is by one Skillet of the price of ten pence, or by one Cow of the price of ten shillings. *Attachments.*

I F. which was the wife of *D.C.* within named, hath not found me pledges of prosec. Therefore to the execution of this Writ nothing by me done is. *Attach' upon appeal.*

The within named *A.B.* attached is by one hundred *Ejectione Firma.*

dred Sheep of the price of twenty pound.

The within named C.D. and E.F. nothing have in my Shire, by which attached they may be.

Capias in debt. The within named I.S. is not found in my Shire.

The within named I.S. and I.H. nor either of them is found in my Shire.

Otherwise. I.S. and the other defendants within named are not found in my Shire.

In this Writ there may be returned divers returns, and in divers manners. 1. If the Sheriffe will not serve the Writ, or cannot execute the Writ, then thus.

Otherwise. A.S. within written is not found in my Shire, after the receit of this Writ, or after the coming of this Writ; but if he be present, then thus.

By vertue of this writ I have taken I.W. within written, whose body before the Justices within written at the day and place within contained, I have ready as this writ exacteth and requireth, &c.

Otherwise. The within written I.S. taken is by his body, whose body at the day, &c. I have ready, as within to me is commanded, or according to the Exigencie of this writ.

Otherwise. By vertue of this Writ to me directed I have taken the body of the within named I.S. whose body before the Justices within written, at the day and place within contained ready I have, as within to me is commanded, or as this writ exacteth and requireth.

Otherwise. The within written I.S. taken is by his body, whose body at the day and place within contained, ready I have, as, &c.

Otherwise to the Bail of the Lib. R.S. within named is not found within my Shire, and

nders to I.P. within named, *I* have commanded R. S. Baily of the Liberty of *S.* who full return hath of all Writs and Executions of them, to whom the execution of this Writ wholly belongeth to be made, without which liberty, no Execution of this writ thereupon by me can be made: which *Baily* to me thus answereth. That he hath taken the body of the foresaid *I.F.* whose body foresaid before the Justices, &c. within written, at the day and place ready he will have, or thus. Which *Baily* to me no answer gave.

I.D within named was in the liberty of *I.B.* Esquire and continually there doth abide, so that him take I cannot. *Liberty.*

Before the coming of this Writ to me directed, *I.S.* within named hath entred the Sanctuary of Saint *Peter* at *Westminster* in the County of *Middlesex*, and in the same County as yet abideth; by which the body of the aforesaid I.S. before the Justices within written, at the day and place within specified, have I cannot, as, &c. *Sanctuary.*

By vertue, &c. *I* have taken the body of *A. B.* within named, and him to the custody of the Gaol of, &c. of the Castle of D. have committed, there safely to be kept, &c. whom after by pretext of a certain other writ of the said, &c. to me directed, and to this Writ annexed, from that prison to be delivered *I* have caused. *Otherwise.*

After, *viz.* such day and year by pretext of a certain other Writ to me directed, the Transcript of which to you *I* send, to this Writ annexed, and therefore the body of the foresaid *A. B.* before the Justices within written, at the day and place within contained have *I* cannot, as within to me is commanded. *Otherwise.*

By vertue, &c. I have taken the body of *I.C.* within *Lat.*

in named, whose body before the Keep' of the Liber' of, &c. wheresoever then they shall be in *England*, at the day and place within contained, ready I have, as within to me is commanded.

* So are both the Editions.

And if the def' who is thus taken be malade in prison, or if the Sheriffe will not make any * expoſic' of Costs, him to bring to *Westminster* before the Justices, according to the purport of the writ, then thus.

Languid. By vertue of this writ *A.B.* within written taken is by his body, and in such prison or Gaol so sick held, that his body at the day and place within contained have I cannot, without the danger of death.

Otherwise. By vertue of this writ to me directed, I have taken the body of the within named I.S. who is in the prison of, &c. of F. so sick, that for fear of death him before the Justices within written, have I cannot as within to me is commanded.

Otherwise. Which I. is vexed with such infirmities, that him without great danger of death, and because of weakness of his body before the Justices within written, at the day and place within contained have I cannot, as within, &c.

Otherwise for felony. R.D. within named taken was by I.C. Constable of the Town of D. at T. in the County of D. for suspition of felony, and for that cause, in the Gaol aforesaid, under my custody detained was and in the same Gaol so languisheth, that by no means labour or be carried he may. Or thus.

Otherwise. Whose body ready I have before you at the day and place within contained, to do that which this writ exacteth and requireth.

Superſ. upon cap. By vertue of this writ to me directed, that after this writ to me delivered was, to take R.I. and other

defend'

defend' in this writ specified, the same R. and the others within named brought forth to me the writ of the Keep' of the Libert' of, &c. of Supersedeas which to this writ is annexed, by vertue of which I have Superſed. altogether.

Superſ. after Capi Corpus.

By vertue of this writ to me directed, *I* have taken the body of the within named B. *D* who after brought forth to me the Writ of the Keep' &c. of Superſed. to me directed, and to this annexed; therefore his body before the Juſtices within written, at the day and place within contained, have I cannot, as within to me is commanded.

And if upon this writ there iſſue another writ, which is called *Habeas corpus*, then thus.

Have thou the body, and the body with the cauſe.

Languid.

By vertue of this writ to you I certifie, that before the coming of this writ, by vertue of a certain other writ to me before directed, A. B. within written in the priſon of the Caſtle of, &c. of E. was, and there ſick and infirm lay, and in the ſame priſon yet ſick and infirm lieth, ſo that him for fear of death carry *I* cannot; therefore the body of the ſaid *A. B.* at the day and place within contained have I cannot, *&c.*

And in theſe writs there are divers manners of returns, and divers of them are thus.

By vertue of this writ to you, I certifie that before the coming of this Writ W. B. within written taken was in another place, and to the priſon of the Keepers of the Liberty, &c. committed, by vertue of a certain other writ to me before directed, whoſe tranſcript to you I ſend, to this writ annexed: yet the body of him W. before you, ready I have at the day and place within contained, as within to me is commanded, &c.

We

Treſpaſſe. We the Sheriffs aforeſaid to you ſignifie, that before the coming of this writ of the Keepers of, &c. to us directed, and to this writ annexed, *I. F.* of *T.* in the ſaid writ named, taken was in ſuch place, and to the priſon of the Keepers of, &c. of *W.* committed for twenty pound damages to *T. C.* of *N.* in a plea of treſpaſſe in the Court of, &c. in the ſaid City of *B.* before us Sher' held adjudged, and likewiſe the ſame *I.* detained is in the priſon aforeſaid, at the ſuit of *W. S.* in a plea of treſpaſſe before us the ſaid Sher. in the Court aforeſaid had and proſecuted, yet the body was in the next return before, &c.

Felony. By vertue of this Writ to you, *I* ſignifie that before the coming of this Writ of the Keep' of the Liber' &c. *R. A.* in the ſaid Writ named taken was in *I.* and to the priſon of the Keepers of, &c. of *W.* for ſuſpicion of a common chief committed; and further, the ſame *R.* detained was in the ſame priſon, for that for diverſ felonies by him done and committed, at *D.* in the hundred of *A.* indicted he is, as informed *I* am, and again taken armed at *I.* in that County, brought he was to the priſon of the Keepers of, &c. and the ſaid *R.* the ſame priſon of the Keepers of, &c. feloniouſly broke, and from thence departed as is ſaid, yet the body of him *R.* as above, &c.

Excom. By vertue, &c. to you *I* certifie, that before the coming of the ſaid writ *A. W.* within named by cenſure Eccleſiaſtical in the Church of *N.* ſuch day and year, &c. for his contumacie or ſuch like, excommunicate was, and he *A.* by the Ordinar' of Saint *Martins* Church Juſtic' in the premiſſes, yet ſtands in the ſame Court excommunicate, and this is the cauſe of taking and detaining the foreſaid *A.* yet the body of him *A. W.* before our Lord the King, &c. at the day and place within contained, whereſoever he ſhall be, *I* have ready, as, &c.

Before

Before the coming of this writ C.D. within written was in such place, and to the prison of the Keepers of the Libert' &c. of R. committed, for suspition of counterfeiting the money of the Commonw' &c. and for that cause and no other in the same prison detained is; yet him C.D. before you at the day and place within contained ready I have, as within to me is commanded. *Counterfeit money.*

B.W. taken was at D. in the County of E. by H.S. Seneschal of T.F. &c. and before the foresaid Seneschal in the Hundred held, &c. indicted was for the death of N. by the foresaid B. killed, and by the foresaid Seneschal sent was to the prison of the Keepers of, &c. of R. which indictment remains with the foresaid Seneschal; yet the body of him B. before the Keepers of the Libert' &c. in the Chancery, at the day in this writ contained, wheresoever they shall be I have ready, as this writ exacteth and requireth, &c. Here follow divers causes upon return of this writ of *Corpus cum causa* to be inferred, &c. if necessary it shall be. The cause of taking and detaining A. of B. within written, here followeth. *Murder.*

A. of B. taken is for suspition of Larceny; and because he cannot finde sufficient security the Law of the Commonw' &c. to abide to the prison of the Keepers of the Libert' &c. of B. committed he was, and in the same for the cause premised detained is, yet the body of the said A. before, &c. *Felony.*

W.D. within written, taken was before the coming of this writ in such place, and in the prison of the Keepers of the Libert' &c. there under my custody detained is, by pretext of a certain plaint in the Court, &c. there before me the foresaid Sher. upon him, by the name of W. &c. at the suit of such one in a plea of account affirmed, whereupon in the same Court *Account.*

Court before me the ſaid Sher.' the parties aforeſaid have pleaded and put themſelves upon the Jur. of the Country in the ſame, and after the foreſaid *W.* for ſufficient mainprize to anſwer the foreſaid ſuch one the plea aforeſaid, diſmiſſed was at large from the priſon aforeſaid: and becauſe the ſaid *W.* after the mainprize aforeſaid, at the judgement came not again to cuſtody, his body at the day and place within contained have I cannot.

Treaſon. The within named I.C. appealed was at *W.* before ſuch a Judge by *W* approver, ſuch day and year, for divers Treaſons by him done, and for that cauſe taken was in I.C. and committed to the priſon of, &c. of N. yet his body, &c. at the day and place ready I have, as within to me is commanded, &c.

Utlag. *A.* the ſon of *A.* of *B* by the name of *A.* of *B.* before the the coming of this writ outlawed was of felony before P.S. R.T. and their companions, Juſtices of the peace in ſuch Liberty or County to conſerve, and after by precept of the ſaid Juſtices to me lately directed, the ſame *A.* taken was at *D.* and for the cauſe aforeſaid, committed to the priſon of the Keepers of the Libert' &c. of *W.* yet, &c.

Supplicav. By vertue of this writ to you I certifie, that *A.W.* within written taken was by vertue of a certain other writ of the Keepers of the Libert' &c. called *Supplicavit*, at the ſuite *D.P.* long before the coming of this writ, and committed to the priſon of the Keepers of the Libert' &c. of *B.* for that he could not ſufficient ſecurity finde, the peace to keep, toward the ſaid D. and for this cauſe and no other in the ſaid priſon detained he is.

Pult. Otherwiſe it may be ſaid, that he is condemned in ſuch a Court by his acknowledgement proper, or his taxation by com' of the Court.

Before

Before the coming of this writ, by vertue of a certain other writ called *Cap' utlag.* to me directed, whose transcript to you *I* send, to these presents annexed, *I* have taken C.D. within named, and him to the prison of the Keepers of the Libert' &c. committed, and he yet in the same prison detained he is for the cause premised, yet his body, &c. *Outlary.*

Before the coming of this writ, *A.H.S.* Auditors of the Accounts of *W.B.* to me by indenture delivered the body of *R.S.* within written, safely and securely to be kept until he satisfie W.B. concerning C.C.L. arrears in the end of the Account of R.S. by the said Auditors found, &c. this is the cause of taking and detaining him R.S. yet his body, &c. *Account.*

Many wayes may a man be said taken and detained, for a debt of 10.l against him recovered in such a Court, or taken he is by writ of the Keepers of, &c. or upon Recognisance made in *Chancery*, and appeal for the death of a man, or robbery, &c. *Debt.*

The within written R.V. taken was at D. the 10. day of *May*. the year within written, by T.B. Baily of the Keepers of the Libert' &c. and mine by vertue of a certain warrant, by pretext of this writ by me made, and to him directed. and whereupon the aforesaid R.V. with others unknown, by force and armes, *viz.* with staves, &c. upon the said *Baily* assault made, and him from the custody of the said Baily rescued, and never after the said R.V. in my Shire could *I* finde. *Rescous.*

The execution of this writ appeareth in a certain Schedule to this writ annexed. *Otherwise.*

By vertue of the writ of the Keepers of the Liberties, &c. to me directed, and to this Schedule annexed, I made my certain Warrant, to a certain I.M my *Baily itinerant*, to take and arrest E.G. in the said writ named, *The Schedule.*

Court before me the ſaid She:' the parties aforeſaid have pleaded and put themſelves upon the Jur. of the Country in the ſame, and after the foreſaid *W.* for ſufficient mainpriſe to anſwer the foreſaid ſuch one the plea aforeſaid, diſmiſſed was at large from the priſon aforeſaid: and becauſe the ſaid *W.* after the mainpriſe aforeſaid, at the judgement came not again to cuſtody, his body at the day and place within contained have I cannot.

Treaſon. The within named I.C. appealed was at *W.* before ſuch a Judge by *W* approver, ſuch day and year, for divers Treaſons by him done, and for that cauſe taken was in I.C. and committed to the priſon of, &c. of N. yet his body, &c. at the day and place ready I have, as within to me is commanded, &c.

Utlag. *A.* the ſon of *A.* of *B* by the name of *A.* of *B.* before the the coming of this writ outlawed was of felony before P.S. R.T. and their companions, Juſtices of the peace in ſuch Liberty or County to conſerve, and after by precept of the ſaid Juſtices to me lately directed, the ſame *A.* taken was at D. and for the cauſe aforeſaid, committed to the priſon of the Keepers of the Libert' &c. of *W.* yet, &c.

Supplicav. By vertue of this writ to you I certifie, that *A.W.* within written taken was by vertue of a certain other writ of the Keepers of the Libert' &c. called *Supplicavit*, at the ſuit of D.P. long before the coming of this writ, and committed to the priſon of the Keepers of the Libert' &c. of *B.* for that he could not ſufficient ſecurity finde, the peace to keep, toward the ſaid D. and for this cauſe and no other in the ſaid priſon detained he is.

Pyle. Otherwiſe it may be ſaid, that he is condemned in ſuch a Court by his acknowledgement proper, or his taxation by com' of the Court.

Before

Before the coming of this writ, by vertue of a certain other writ called *Cap' utlag.* to me directed, whose transcript to you *I* send, to these presents annexed, I have taken C.D. within named, and him to the prison of the Keepers of the Libert' &c. committed, and so yet in the same prison detained he is for the cause premised, yet his body, &c. *Capias utlag.*

Before the coming of this writ, *A.B.S.* Auditors of the Accounts of *W.B.* to me by indenture delivered the body of *R.S.* within written, safely and securely to be kept until he satisfie W.B. concerning C.C.L. arrears in the end of the Account of R.S. by the said Auditors found, &c. this is the cause of taking and detaining him R.S. yet his body, &c. *Accounts.*

Many wayes may a man be said taken and detained, for a debt of 10.l against him recovered in such a Court, or taken he is by writ of the Keepers of, &c. or upon Recognisance made in *Chancery*, and appeal for the death of a man, or robbery, &c. *Det.*

The within written R.V. taken was at D. the 10. day of *May*. the year within written, by T.B. Baily of the Keepers of the Libert' &c. and mine by vertue of a certain warrant, by pretext of this writ by me made, and to him directed. and whereupon the aforesaid R.V. with others unknown, by force and armes, *viz.* with staves, &c. upon the said Baily assault made, and him from the custody of the said Baily rescued, and never after the said R.V. in my Shire could *I* finde. *Rescuus.*

The execution of this writ appeareth in a certain Schedule to this writ annexed. *Otherwise.*

By vertue of the writ of the Keepers of the Libert' of, &c. to me directed, and to this Schedule annexed, I made my certain Warrant, to a certain I.M my *Baily Itinerant*, to take and arrest E.G. in the said writ named; *The Schedule.*

med according to the exigencie of the same writ, which my Baily by vertue of my warrant aforesaid the 9. day of *May* the year, &c. within written at *D.* in the County aforesaid took and arrested the body of the foresaid *E.G.* and then and there the same *E.G.* in his custody was: whereupon *E.G.* of *D.* aforesaid, in the County aforesaid Gent. and *T.M.* of the same Town and County Gent. then and there with force and armes, &c. upon the foresaid Baily assault made, and him my *Baily* then and there against the Law and Custome of the Commonw' of *England*, and against the will of him my Baily imprisoned, and him my Baily in prison there by the space of one houre then detained, and xx. pence in ready moneys of the goods and chattels, and pence of him my *Baily*, from the person of him my Baily then and there the foresaid *T.M.* took, and the foresaid *E.* by force and armes aforesaid then and there from the custody of my said Baily took and rescued, and also the same *E.* her self then and there from the custody of the same my Baily rescued, against the will of the said my Baily, and against the peace of the Commonw', &c. and after the same *E.* is not found in my Shire.

Otherwise. By vertue of this writ to me directed, I made a certain warrant to a certain *R.P.* my Baily this time *itineran*, to take and arrest the within named *T.L.* according to the exigencie of this writ, which *R.P.* by vertue of my warrant aforesaid, after, *viz.* the 11. day of *May* the year, &c. within written at *B.* in the County aforesaid, took the body of the within named *T.L.* of *B.* aforesaid, in the County foresaid of *F.* which *T.* the day, year and place aboveſaid, by force and armes upon the foresaid *R.P.* my Baily assaule made, and him beat, wounded, and evil treated, so that his life was despaired, and the said *T.* then and there from the custody of the foresaid my Baily, and against his will departed, escaped and rescue made, against the peace of the Commonw' &c. and after the said *T.L.* is not found in my Shire.

By

By vertue of this writ I made a certain my warrant to W.H. *Baily* of the Hundred of H. who to me thus answereth, that where he by vertue of the warrant aforesaid the 10. day of S. the yeat, &c. within written at *G.* took a certain I S. and hereto the Castle of *W.* would have brought, there safely to be kept, thither came certain *I. T. R.S.* with many others unknown, with force and armes arrayed in manner warlike, and from the custody of the said my Baily, at the foresaid *W.* the foresaid I.S. they took and led away, and so for fear of his death the said I.S. to escape he suffered, and for that cause the body of the said I S foresaid before the Keepers of, &c. the day and place within contained, wheresoever, &c. have I cannot as within to me is commaded; and further to you I certifie, that after the foresaid tenth day, &c. the foresaid *I.S.* was not found in my Shire. *Otherwise.*

By vertue of this writ I commanded I.S. my *Baily* of the Liberty of D. in the County foresaid, who hath full return of all writs, precepts and warrants to him therefore directed, which I.S. such day and yeare at P. in the County aforesaid, *T.S.* in the writ to this Schedule annexed named, and by vertue of the warrant to him directed, took and arrested, and him *T.S.* in his custody for the cause foresaid then and there had and held, and a certain *I.G.* late of *S.* in the County foresaid Labourer, having gathered together very many other Malefactors unknown, (and of the peace of the Commonw. disturbers) to the number of 20. persons in manner warlike arrayed, by force and armes, *viz.* with Swords, Poniards, Shields and Staves, upon him my *Baily*, then and there riotously assault they made, and him they beat, wounded and evil treated, so that his life was despaired, and the foresaid I.G. and the others him T.S. out of the custody of my said *Baily* then and there took and rescued, and as he listed at large to go permitted, and the same *T.S.* himself out- *Otherwise of Rescue and Riot.*

of the custody of the said Baily then and there likewise rescued against the peace, &c. and after the same T. is not found in my Shire.

Otherwise. I I.H. Knight, Sher', by vertue of this writ made a certain warrant to I.B. and P.D. my Bailies for this time *itinerant*, to arrest and take R.F. to the satisfying the within named W.P. his debt and damages within specif. as within to me is commanded, by vertue of which warrant the same I.B. and P.D. Bailies, such day and year, at H. in the County foresaid, arrested the foresaid R.F. as by that warrant it was to them commanded: And the same R.F. and a certain G.F. of G. in the County foresaid, with others unknown, with force and armes, *viz.* with Swords, staves, &c. upon the foresaid I.B. and P.D. the same day and year at H. in the County foresaid assault made, and them evil treated, and then and there rescue made, by force of which rescue the same R.F. from that custody then and there against the arrest aforesaid * rescued, evaded and escaped, wherefore the said R.F. at the day and place within contained have I cannot; and further you I certifie, that after the same day, the foresaid R.F. was not found in my Shire.

* *Himself.*

Otherwise. By vertue of this writ a certain my warrant I made, and directed to a certain T.C. my Baily, to attach the within named I.C. by pretext of which the same T.C. the ninth day of I. the year, &c. within written, at K. in the County within written, took and arrested the foresaid I.C. him before me to bring, willing and intending to do and receive as in this writ me is commanded; and after, *viz.* the said ninth day of I. the year abovesaid, the foresaid I.C. late of B. foresaid in the County foresaid of H. at B. foresaid in the County foresaid, upon the foresaid T.C. my Baily assault made, and from the same Baily then and there fled, evaded and rescue made, and after the same *I.* in my Shire finde I could not.

By

By vertue of this writ to the Justice within written I certifie, that return I have made to the within named *I.S.* those beasts of the within named W.S. which to the same *I.S.* adjudg' were for defect of him W. safely and securely to be kept, so that those to the foresaid W. at the plaint of him W. by no means be delivered without the writ of the Keepers, &c. which of the foresaid judgement express mention maketh according to the forme of this writ. *Return' habend'.*

Pleg' of Prosecut' and Return thereupon to be had, if Return thereupon be adjudged.

I.D.R.F.

By vertue, &c. to be replev' I have caused to the within written *R.* the beasts within written, as in this writ to me is commanded, and farther to the within named Keep' &c. *I* certifie, that no other writ the within written beasts to replev' at any time besides this writ to me was delivered. *Repleg'*

Before the coming of this writ the beasts and cattel of the within written K. which W.C. took, and unjustly detained as is said, eloigned were by the foresaid W.C. therefore the beasts and cattel of the foresaid K. replev' *I* cannot, &c. *Repleg' wher beasts are eloigned.*

No writ the beasts within written to replev' at any time besides this to me was delivered. And farther to the Keepers, &c. I certifie, That before the coming of this writ, the beasts aforesaid eloigned were, and to places to me unknown, sent by the within named *I.T.* So that those to the within named W. in no wise replev' *I* can, as within to me is commanded. *Otherwise.*

Before the coming, &c. the beasts within written by the within named T.C. eloigned were, to places to me unknown, so that the view of them to the within named *Otherwise.*

A. H. and T. C. to be return'd have I could not as within to me is commanded.

Otherwise; By vertue, &c. such day and year to be replev'd I have caused to R. B. within named his beasts within specified, which the within named T. M. and R. S. took and unjustly detained, according to the forme of this writ as within to me is commanded.

And the within written T. and R. attached are by 100. sheep of the price of 6. l. by T. F. Baily upon the plea of I. T. and R. M. and the within named R. B. attached is by my said Baily by three Cowes of the price of three pound upon the plea of the foresaid *I T* and *R M.* and no other Mandate or Writ of the Keepers, &c. the beasts aforesaid to replevy before the coming of this writ was to me at any time to me delivered.

Otherwise in the Chancery. By vertue, &c. to the Keepers of, &c. in the *Chancery* I certifie, that the beasts and cattel by the within named A. B. before taken, eloigned are out of the County within writ to places to me unknown by the beneath written T. R. so that the beasts and cattel aforesaid of the within written R. for I cannot as within to me is commanded.

Beasts eloigned upon second deliverance. Before the coming of this writ the beasts within specif. eloigned were by the within named *I. M.* to places to me unknown, so that these beasts within written of N. M. return I cannot according to the forme of this writ.

Pledg of prosecut. and return to be bad, &c. I. D. R. R.

Precept upon second deliv. in the County. By vertue, &c. I W. A. one of the Bailies within named required of I. T and R N. within written deliverance of the beasts of T. B. beneath written, *viz.* of three Oxen, the price of each Oxe twenty shillings, and two horses, the price of each horse twenty shillings, and they

they have refuſed thereof to make deliverance; and the foreſaid beaſts eloigned are, to places to me unknown, ſo that thereof make deliverance I cannot, as within to me is commanded, and the foreſaid T.I. attached is by one cup of ſilver to the value of twenty ſhillings.

By vertue of this, &c. to the Keepers of, &c. within named I certifie, that no other Writ or Mandate of the ſaid Keepers, &c. of replev. of the within written *I.C.* whom W.S. within named took, and taken holds as within is ſpecified, but this writ of plur' repleg' of the foreſaid *I.* to my hands came, nor to me directed was; nevertheleſſe to the Juſtices of, &c. further *I* certifie, that forthwith after the receit of the ſame writ, I came to the foreſaid W.S. replev' to make the foreſ' I. whom the foreſ' W. would not ſhew me; but the foreſaid I. before my coming, to places to me unknown, eloigned; and after the receit of the ſame writ, he is not found in my Shire. So that any replev' of him I. according to the Mandate of this writ, by any means make I could, as within to me is commanded. *Otherwiſe of a man to be replev'*

No other writ beſides of replev. of the within named D.G. to my hands as yet came. Further to the Juſtic' within written *I* certifie, that the foreſaid *I.D.* eloigned is to places to me unknown, by the within named I. T. *I.B.* and T.R. ſo that the foreſaid D. replev. *I* cannot, as within to me is commanded. *Otherwiſe.*

By vertue, &c. to the Keepers, &c. *I* certifie that after the receit of this writ through my whole Shire, diligently *I* have enquired, and by no means can *I* finde that any beaſts of the within named W.P. taken were, and unjuſtly detained, by the within named *I.N.* as in the writ is ſuppoſed; ſo that the execution of this writ according to the tenour and effect of the ſame by me cannot be made, as within to me is commanded. And further to the Keepers, &c. *I* certifie, that no other *Plur' repleg'*

ther writ of Plur' repleg' besides this writ to me at any time delivered was.

Condit' of Replev'. The condition, &c. that if the above bound A B and C. D. re-deliver to the above-named Sher' all those goods and chattels, and every parcel thereof by P. H. taken, and by reason of a certain replev' by the foresaid Sher' made to the foresaid A. B and C. D replev' if return thereof be adjudged, and the foresaid Sheriffe and his undamnified keep, that then, &c.

Withernam. The beneath written *I. H.* no beasts in my Shire hath, which in *Withernam* take I may according to the exigencie of this writ.

Otherwise. By vertue, &c. I have taken two brasse pots, &c. of the goods and chattels of *I. H.* in this writ named in *Withernam*, and those to W. F. within named to be delivered have caused, to have to the same W. F. until the foresaid *I. H.* the cattel of the foresaid W. F. deliver will, as this writ, &c.

Otherwise. By vertue, &c. *I* have taken at *Withernam* in *D.* in the County within written, two cowes, &c. of the beasts of the within named *I. D.* and two Cowes of the beasts of *R. T.* within named, which beasts aforesaid thence to be driven and brought *I* have caused, into a certain place at N. in the County aforesaid, safely and securely there to be kept, according to the exigencie of this writ where the beasts aforesaid abide; and therefore *I. H.* and *R. T.* have no more or other beasts at the present in my shire, which by any means in *Withernam* take I can, as within to me is commanded.

Otherwise. By vertue of this writ *I* have taken two Cowes, and two Heifers of the beasts of the within named R. D. and two Cowes and two Heifers of T. M. which to be delivered *I* have caused to *I G.* within named, safely and surely to be kept, until the other beasts within specified of

him *I.C.* before taken, and to places to me unknown sent, deliver *I.* can, as within to me is commanded.

By vertue of this writ to me directed, at my County held at W. in the County of W. within written, *Tuesday, viz.* the twentieth day of *January*, the year, &c. within written, the said *I.C.* and other defendants within named exacted were and appeared not, and at my County, &c. as before, the second time exacted they were, and appeared not, and at my County held, &c. the third time they were exacted and appeared not. And at my County held, &c. the fourth time they were exacted and appeared not, and at my County, &c. the fifth time they were exacted and appeared not: therefore the foresaid *I.C.* and the other defendants within named, by judgement of the Coroners, &c. of the County foresaid according to Law and custome of *England* outlawed are, and every of them is outlawed. *Exigent.*

By vertue of this writ to me directed, at my County held at W. in the County of W. within writt' *Tuesd', viz.* the 10th. of *Jan'* the year, &c. within written, the said R L within named first exacted was, and appeared not, This writ so above endorsed to me delivered was by *I.E.* Esquire, late Sheriffe of the County within written, my next Predecessour, in his going out from his office, as above upon the back of this writ, and at my County, &c. as before. *Betwixt Swo her'.*

This writ so above endorsed together with the writ of the Keepers of, *&c.* of Supersed' to it annexed, to me delivered was by M.D. Knight, late Sher' of the foresaid County, my next predecessor. *Otherwise.*

By vertue, &c. at my County held there the third day of *Novemb'* the said year, &c. within written, the foresaid T.C. the fifth time exacted was, and appeared not, and for defect of N.*B.* and R.C. Coroners *Defect of the Coroner.*

of

of the County foresaid, further thereupon to prosecute I could not.

Defect of the County. By vertue, &c. and at my County, &c. and that there were not more Counties in the County foresaid held, from the day of the receit of this writ, to the day of the return of the same, wherefore nothing done is at present. Or thus.

And therefore in the execution of this writ further to be done nothing acted is.

Allocat Com. Allowed to them were four Counties, at which *I.B.* within named exacted was and appeared not, and further, by vertue of this writ at my County held at W in the County of W. within written, the eighth day of *Septemb.* the year, &c. within written the foresaid *I.B.* the fifth time exacted was, and appeared not, therefore by the judgement of the Coroners, &c. And if it be a woman, then thus.

Otherwise of a woman Therefore according to Law and Custom foresaid *R.A* waved is.

Supersed. By vertue, &c. and at my County foresaid held there *Tuesday, viz.* the twentieth day of *A.* the said year, &c. within written, the foresaid *A.R.* the fourth time was exacted and appeared, and brought forth to me the writ of the Keepers, &c. of Supersed. which to this writ annexed is, wherefore the execution of this writ further to be done, *I* have superseded altogether. Or thus.

As in the foresaid writ of the Keepers of, &c. of Supersed' to me is commanded.

Rendred himself. By vertue, &c. and at the County, &c. the foresaid *I.W.* and *A.* the fourth time exacted were, and the foresaid *I.* hath appeared and rendred himself to the prison of, &c. of the Castle of B. whose body before the Justices within written, at the day and place within

in contained ready *I* have, as this writ exacteth and requireth, and the foresaid W. and A. appeared not. And further, at my County held, &c. the foresaid W. and A. the fifth time exacted were, and the foresaid W. brought forth the writ of, &c. of Superse' which to this writ is annexed, wherefore to the execution of this writ further to be done for the foresaid W. *I* have Superseded altogether, and the foresaid A. hath not appeared, therefore according to Law and Custome, &c. of *England* outlawed he is. *Superseded.* *Outlaw.*

By vertue, &c. and at my County held at W. in the County foresaid the twelfth day of *April*, I.H R.S I.C. and all the other desendants following in this writ named, besides *I.H.* who brought to me the writ of, &c. of Supersedeas: therefore as to him further execution to make *I* have superseded altogether, as in the said writ of Supersedeas to me is commanded. *Otherwise.*

And besides, *I.S.* who hath rendred himself to the prison of, &c. of F. within the County foresaid, whose body before the Justic', &c. And also besides *I.C.* who dead is, will not appear. Therefore by judgement, &c. And the foresaid *I.C.* waved is in presence of F.W. and I.C. Coroners of, &c. of the County foresaid. *Rendred himself.* *Dead.* *Waved.*

As to exact, take out-law, or at all molest the within named P.T. by vertue of this writ to the Justices, &c. within written at the day and place within contained *I* certifie, that by vertue of a certain other writ of the said Keepers of the Libert', &c. to me directed, to this annexed, *I* have superseded altogether, as by that writ to me is commanded. *Otherwise*

By vertue, &c. *I.B.* and the other desendants within named the second time exacted were, and the foresaid *I.B.* hath appeared, and himself rendred to the prison *Languid.*

prison of, &c. of E. within the County of W. aforesaid, and in the same prison remaineth sick with divers infirmities held, so that because of weaknesse of body, and danger of death labour or be carried he cannot, wherefore the body of the foresaid *I.B.* before the Justices within written, at present have I cannot, according to the form of this writ, and the within named *F.P.* and *R.R.* the fifth time exacted did not appear, and because at none of these Counties they have appeared, the foresaid *F.P.* and *R.R.* according to Law and Custom of, &c. *England*, out-lawed are, and either of them, out-lawed is as this writ exacteth and requireth.

At the County, &c. 1, 2, 3, 4. exacted he was, and hath appeared and rendred himself to the prison of, &c. of E. where so sick he is, that for fear of death him before the Justices within written, at the day and place within contained, have *I* cannot.

By vertue of this writ to me directed at my County of W. held at W. in the County of W. within written, *Tuesday* the twentieth day of *M.* the year, &c. within written, first to be proclaimed I caused, and at my County of W. held at W. foresaid, in the said County of W. the twentieth day of *M.* foresaid, the year, &c. within written, the second time to be proclaimed I caused, as also at the general Session of the Peace held at W. in the said County of W. in the parts of *M.* within written, *Thursday*, *viz.* the 12. day of *September* aforesaid, the year, &c. within written, publickly to be proclaimed I caused, that *J.C.* and all the other defendants within named, themselves render to the within written Sheriffs of L. so that the same Sheriffs have their bodies before the Justices within written, at the day and place within contained, as this writ exacteth and requireth.

W.H.

Otherwise for the Queen.

W.H Defendant within named was not found in my Shire after the receit of this writ, and because the same W in my Shire could be found, at my County held, &c to be proclaimed I have caused, that the foresaid *W.* be before our Lady the Queen, at the term within written, where-soever she shall be, to answer our said Lady the Queen, and farther to do as this writ exacteth and requireth, &c. and also at my County held, &c. to be proclaimed I have caused, that the said *W.* be before our Lady the Queen at the time foresaid whereſoever to answer the said Lady the Queen in form foresaid, as within to me is commanded, &c.

Venire facias.

The within named *I.B.* hath nothing in my Shire, by which he may be attached.

By vertue of this writ to me directed I have caused to come before the Keepers of the Libert', &c. at *Westm.* at the day within contained *J.B.* as within to me is commanded.

Out of the Exchеq.

I.F. within named hath nothing in my Shire by which you may cause him to come, nor is he found in it.

Note in the *Venire fac'* no issues shall be returned, but in the *Habeas corpora* and *Distring'*.

See the Stat.

The issues of every of them 5.s. and that by the Stat. 35.*H* 8.*c.*6.

And also in every writ where the clause (if A. makes these secure as to the prosecution of his claim) shall be expressed, the Sheriffe may delay the Plaintiffe by this return, to say,

The within named *A.B.* hath not me pledg' of prosecut' of this writ, therefore towards the execution of the same nothing by me is done.

The execution of this writ appeareth in a certain panel to this writ annexed. Then in the panel thus.

Venire fa' or distr' Jur'

Jurors betwixt *R.T.* Plaintife, and *W.F.* Defend. in a plea of Trespass, and then write the names of the Jurors

Jurors 24. *A.B.C.D.* &c. and under-written thus;

Every of the Jurors aforesaid by himself severally attached is by pledg' I.D.R.M. but in the distr.

The issues of each of them 5.s.

And note in the first *Venire fac' Jurat'* it is not at all material to put mainprise, because you make, (by the mainpes') the Jury to lose issues in the Court, &c. which is not required the first time.

Hab' corpora in Debt.

The execution of this writ appeareth in a certain panel to this writ annexed.

Jurors betwixt A.B. Plaintiffe, and *E.D.* Defendant, concerning a plea of debt of A.B. &c.

Every of the Jurors aforesaid by himself severally mainprised is by Pl' *I.D.R.R.*

And in this writ you ought not to return issues, nor *ix Decem.* nor *Octo Tales* ought you to return mainprise, which note, yet is it used in divers parts of *England*, although void.

Also the Sheriffe may return *tarde* upon *Distringas*, and upon the *Decem tales*, as it appeareth in those things which follow, and then the Jurors shall not lose issues, which note.

Tarde.

As to the distraining *John M.* and other Jurors within specified, to be before the Justic' the day and place within written, to you I signifie, that this writ so late to me was delivered, that it for the shortnesse of time execute I cannot at present, but of new I have put to ten Tales, or eight Tales, (as it appeareth in those things which follow) as in this writ to me is commanded, &c. *A.B.C.D.E.F.* &c.

But as to the ten, as well Knights as other good and lawful men of the *visne* within contained, among the Jurors within contained to be put. The execution of this

this writ appeareth in a certain Schedule to this writ annexed.

Pledg. of Pros. I. D. R. R.

Sum. of the within named *R. F. I. D. R. F.* *Hab' Corporain Attaint.*
Mainperum of the Sum. aforesaid, and of every of them, *N. P. I. L. L. D. R. R.*
The retu' of the execution of this writ appeareth in a certain Panel to this writ annexed.
The names of 24. Knights betwixt *R. S.* Plaint' and *R. F.* Defend' *A. B. C. D. E F.* to the number of 24. *The Panel.*
Sum' of the Jur. aforesaid of every of them. *J. D. E. G.*
Mainper' of the sum' aforesaid, and of every of them *L. P. R. C. F. D. E G.*

Names of the Jur. of the first Inquest, of whom in the writ to this Scedule annexed is made mention, *I. D. B. C.* to the number of 12. *Names.*
Sum' of the Jur' of the first Inquest, and of every of them, *J. D. R. R.*
Mainper' of the sum' aforesaid, and of every of them, *J. L. H P. R. S. T. F.*

Pledg' of Pros. I. E. R. R. *Otherwise upon writ Origin. in the Chancery.*
The within named W. B. is sum' by *A. H. R. P.*
Mainper' of the sum' aforesaid and of every of them, *J. H. R. D.*
The retu' of the execut' of this writ appeareth in certain panels to this writ annexed.
The names of 24. Knights, betwixt R. F. Plaint' and *T. S.* Def' *A. B.* &c. to the number of 48.
Every of the Knights aforesaid severally by himselfe sum' is by *J. D R. R.* every of which severally by himself mainprised is by *J. B. C. D. E. F. G. H.* The names of the Jur' of the first Inquest *A. B. C. D.* to the number of 12.

Every

Every of the Jur' aforesaid of the first Inquest severally by himself attached is, and mainprised by *J.D.R.F.*

Ret' of the panel de circumstan.

Names of the Jurors of those which were standing by of new put to betwixt *I.S.* Plaint' and *W.B.* Defend' according to the form of Statute in such like case put forth and provided, *A.B.C.D.* &c.

Otherwise.

Names of the Jur' of those which were standing by of new impannelled, and return by Mandate of the Justice at the request of the Plaint', for defect of the Jur' abovenamed, not appearing according to the form of the Stat' lately there provided, *A.B* &c.

Mainper. of the within named *I.F. I.D.R.R.* Issues 4 s. 4 d.

Distr' wher the Def' has nos lands. Against many.

I.F. within named nothing hath in my Shire, by which nor where he may be distreined.

40 d. 40 d.

T.D. A.R. &c. distreined are and every of them distrained is by their Lands and Chattels, according to the form of this writ, wherefore issues, as it appeareth above on their heads. And mainprised they are, and every of them mainpresed is for himself, *viz.* by *I.C. I.S P.H.* that they be and every of them be at the day and place within written, according to the tenour of this writ, &c.

Against Executors.

40 d.

A. which was the wife of *B.* within written, Executrix of the Testament aforesaid.

40 ds 40 d.

R.R. 40 d. another Executor of the Testament aforesaid, and T.S. the third Executor of the Testament of the foresaid *B.* distrained are, and every of them by himself severally distreined is, according to the form of this writ, wherefore issues, as it appeareth above on their heads, and every of them mainprised is for himself, *viz.* by foure Mainpernours by name, *A B.* &c. and there are not more Executours of the Testament of this

same

ame B. nor heirs of his, either lands or tenements, which his were in the County of W. as by any means at the present may appear to me.

Pledg' of Prosec' J. D. R. R.

Favor of the Sher. upon the 2. or 3. dist.

A. B. within written nothing hath in my Shire beyond the issue before by me forfeited, by which no where distrained he may be, as to me by any means may appear at the present.

Against a Clerk.

W. D. Arch-Deacon of R. nothing hath in my Shire of Lay-fee, by which distrained, forewarned or attached he may be, as by any means at the present to me appeare may.

Upon Tardo.

As to the distreining the within named A. B. to be before the Justices within written at the day and place within contained, this writ so late to me delivered was, that for shortnesse of time, execution thereof I could not make.

Otherwise upon the Jur.

As to the distreining R. L. and all other the Jurors within written, to be before the Justic' within written, at the day and place within contained, this writ so late to me delivered was, that for shortnesse of time execution thereof I could not make, but as to putting to ten *Tales*, the execution thereof appeareth in a certain Panel to this writ annexed.

Mainpet' of the within named *I. S. W. P. L. D.*
Issues of them half a mark.

Otherwise forbeing

Sum' of the within named R. and E. his wife, W. F. R. P.

And so of all other actions real, if the Defend' be suffic'.

The execution of this writ appeareth in a certain inquisition to this writ annexed.

By vertue of this writ of the Keep' of the Lib', &c. to me directed, and to this partition indented annexed. I I.D. Knight Sher' of the County aforesaid, the 20. day of *A.* the year, &c. having taken with me *I.S.* &c. twelve free and legal men of my County, and of the venew within written, in presence of *H. F.* in the writ aforesaid named, in my proper person *I* came to the tenements in the said writ named, and there by their oath, (having respect to the very value of the same tenements with the appurtenances, the same tenements into partition into three parts equal to be parted *I* caused, and one part of the same three parts, viz. 12. feet in length, and 18. feet in length of a Messuage, in the foresaid writ specified, extending to the land of *F.* Q. called B. to the west, and 34. feet in bredth, and 12. * virgates in length, of one garden in the writ foresaid specified, to the same messuage adjacent, abutting toward the west to the land of the foresaid F.G. called B. Glebe-land of the Rectory of S as also, &c. And I the foresaid Sher. the foresaid 20 day, the year, &c. those to be delivered and assigned, have caused to *H. I.* in the said writ named, to be held to her severally, according to the forme and effect of the writ aforesaid, and as the same writ exacteth and requireth.

* Virgata here cannot be a yard-land; a Rod were more proper.

Otherwise. Which whole third part of the foresaid Tenements in the foresaid writ specified, to the foresaid *H.* in forme foresaid delivered and assigned is: and as to two parts of the residue of the foresaid Tenements in the foresaid writ specified, I L. F. likewise in the same writ named, the partition aforesaid to deliver and assign to the Justices of the, &c. in the writ aforesaid specified certifie, that no one of the part of her *F.* came to receive of me the foresaid Sher' the same two parts, so that those two parts to the same *F.* deliver and assign I could not, as the writ aforesaid exacteth and requireth; In testimony of which matter, as well the Seal of me the foresaid Sher', as the seals of the foresaid

said 12. Jur' to this partition indented are set. Given the day and year aboveſaid.

Pledg. of Proſec. I.D. R.R.

The within written *I.S.* and *R.B.* attached are and every of them attached is by pledge, I.D.R.R. *Aſſ' of Nov*

The reſid' of the execution of this writ appeareth in a panel to this writ annexed.

Aſſ' of Nov' Diſs' betwixt ſuch one Plaint' or Demand' and ſuch Defend' or Tenent in the ſuit, &c. *Panel.*

A B. C. D. to the number of 24.

Names of the Recogn' I. P. and T. W.

Sum' *J.D.T.B.*

Mainper' of the ſum' aforeſaid, and of every of them, *J.S. J.D.* pledg' of proſec' *G. R.R.* *Otherwiſe.*

R. within named attached is by one Lanacre of Latin of the price of 8.d. by Pl' *W.D.T.D.*

The reſid' of the execution of this writ appeareth in a certain panel to this writ annexed. *Panel.*

Recogn. of Aſs. of No' Diſs' betwixt *J.D.* Plaint' and *R.T.* Def' of his Franktenement in *B.*

J.D. &c. to the number of 24. *Otherwiſe*

Sum' of the Jur' aforeſaid, and of every of them, *J.S. J.D.* Mainpern' of the ſum' aforeſaid, and of every of them, *J B.T. G. A.B.* and *W.H.*

The execution of this writ appeareth in a certain panel to this writ annexed.

Names of the Recognitors in Aſſiſe of Novel diſſeiſin betwixt *A B.* Plaint' and *L.M.* Defend' *A.B.* &c. to the number of 24.

Every of the Recognitors aforeſaid, by himſelf ſeverally attached is by pledg' *J.D.R.R.*

Iſſues of every of them, 5.s.

Names of the Recognitors of new opposed according to the form of the Stat. *A.B.* &c. to the number of 10.

Every of the Recognitors aforesaid of new apposed, attached is severally by Pl' I.D.R.F.

Grandcape

By vertue of this writ the 20. day of M. the year within written, by the view of R.H. and T.H. good and legal men of my County, I have taken into the hands of the Keep' of the Lib' &c. the lands within written, as within to me was commanded Sum' I.D.R.R.

And if the writ issue to the Sher', and the place where he ought to execute it be within a Franchise, which hath full return of all writs: then thus;

Execution of this writ as before.

Schedule.

I T.S. Sher' of B. have charged F.W Baily of the Liberty of B. in the County aforesaid, who hath full return of all writs, and execution of them within the Liberty foresaid, in the County foresaid, and to whom the execution of this writ wholly belongeth to be made, because that the said Execution thereof elsewhere in my Shire out of the said Liberty could not be made; who to me thus answereth, &c.

Otherwise.

By vertue, &c. I have taken into the hands of the Keepers of the Liberty, &c. by view, &c. as before of the lands and tenements of F.M. within named, to the value of one Messuage, &c. as in the writ within contained such day and year according to the forme of this writ, or as within to me is commanded, or as this writ exacteth and requireth. Or,

Otherwise.

The third part of the Messuag' gardens, and others the premises, as within to me is commanded.

Dower.

The execution of this writ appeareth in a certain schedule to this writ annexed,

The Schedule.

By vertue, &c. and to this Schedule annexed such day and year, I have caused to be had to F.B. Wid' in the foresaid writ named Plenary seisin of the third part of the Mannor of B. with the appurtenances

in

in the ſame writ ſpecified, *viz.* and rehearſe the particulars as in the writ, to be held to the foreſaid *F. B.* in ſeverally by mettes and bounds, in name of the whole dower of her *F.* contingent of the whole Mannor in the writ ſpecified, as by the writ aforeſaid to me is commanded.

By vertue, *&c.* ſuch day and year, the meſſuages or tenements within written to be reſeized *I* have cauſed, and G.C. within named in plenary poſſeſſion of the ſame meſſuages and tenements with the appurtenances, according to the force, forme and effect of a Stat' within ſpecified, to be put have cauſed, as within to me is commanded. *Reſeiſure.*

By vertue, *&c.* to be ſum' *I* have cauſed A.B. one of the Knights of my Countie, with a ſword girt by B.T. and *C.B.* that he be before the Iuſtices within written, at the day and place within named, as this writ exacteth and requireth. *Sum. of a Knight.*

Mainpern' of the within named A.B. *B.T.* and *C.B.*
I.D. R.R.

Iſſues of every of them, 20 s.

By vertue, &c. to know *I* have cauſed the within named *A.B.* and *C.D.* that they be before the Iuſtices of, *&c.* within written, at the day and place within contained, to anſwer *R* H. within named by *I.H.* and R.S. good and lawful men of my Shire. *Scire fac. upon appear.*

By vertue, *&c.* to know *I* have cauſed T.A. and E his wife, by *I.T.* and *R.T.* that they be before the Iuſtic' of the *Upper Bench, &c.* at the day within written, whereſoever, *&c.* to hear the record and proceſſe whereof this writ maketh mention. And further to do and receive all and ſingulars as this writ exacteth. *To hear the Record.*

A.B. within named hath no lands or tenements, goods or chattels within my Shire, where to know, make him I may, as this writ, *&c.* nor is he found in the ſame. *Nothing.*

By vertue, *&c.* to know *I* have cauſed W.B. adminiſtrator of the goods and chattels which were to T.P. within *Againſt an Executor Adminiſtr.*

within named by W.G and G.K. good and legal men of my Shire, to be before the Keepers, &c. or Justic. at the day within named, neither are there more administrators of any goods and chattels which were the same T.P. in my Shire, to whom of which at present I may make know.

Upon trespasse. Outlaw' By vertue. &c. know *I* have caused to T.V. within named, that he be before the Justic' within written, at the day and place within contained by *I.S.* and R.G. to do those things which this writ exacteth and requireth.

Chancery. By vertue, &c. Know I have caused to W. C. Knight within named, that he be before the Keep' of the Libert' &c. in the *Chancery*, at the day and place within contained; whereso ever they shall be in *England*, to shew and propose as that writ exacteth and requireth by *I.M.* and W D. good and legal men of my Shire, according to the form of this writ.

Before the Keepers, &c By vertue, &c. know *I* have caused to *F.C.* within named, that he be before the Keepers, &c. the thirteenth day of Nto shew, and further to do and receive as this writ exacteth and require h, by *A.B.* and C.D. good and legal men of my Shire, according, &c.

Before the Justices of lo. Bench. By vertue, &c. know *I* have caused to *F.C.* within named, that he be before the Justices within written, at the day and place within contained, to shew if what for himself he may have, or to say may know why the within named W.H. and R.B. execution for thei debt and damages (as within is made mention) against the foresaid C. ought not to have, as this writ exacteth and requireth, by *I.W.* and R.C. good and legal men, &c.

Quo jure. By vertue, &c. such a day and year, &c. *I* have taken into the hands of the King, &c. the tenements within written, with the appurtenances; and further, the same day and year know I caused, as well to A.B. chief Lord im-

immediate of the Fee held within written, with the appurtenances, as to H D. by good and legal men of my Shire; that they be before the Iustices within written, at the day and place within contained, to hear the Recogn. within written, as within to me is commanded. And further to the same *Iustic' I* certifie, that there is no other chief Lord of the Fee foresaid, mediate nor immediate, betwixt our Lord the King, and the within written A.B. whom to know *I* might have caused.

Fieri fac'

By vertue of this writ to me directed, *I* have levied the within written 10. li. of the lands and chattels of the within written R.W. which 10 li. before the Iustic' within written, at the day and place within contained, ready *I* have, as this writ exacteth and requireth, &c.

f

Otherwise against execut' upon devastaver.

By vertue, &c. *I* have levied one hundred shill' o the goods and chattels of the within named W.H which C.S. before the Iustic' within written, at the day and place within contained, ready *I* have, as. &c. And further to the same Iustic' *I* certifie, that the executors within written, the goods and chattels of the within named *W.H.* testat, altogether have wasted; so that the sum of ten Marks within written, nor any parcel thereof, levie *I* cannot at present.

Nihil.

The within named *R B.* hath no goods or chattels lands or tenements within my Shire, whence the pence within specified levie *I* may, as within to me is commanded: nor is the said *R.* found, nor is there any such person in my Shire.

Otherwise.

A.M. within written, no goods or chattels hath within my Shire, of which execution of this writ make *I* may, as, &c. nor is found in the same, nor any Lands o Tenements had within the same, the fifth day of *January*, nor at any times since, as it appeareth in a certain Schedule to this writ annexed.

Where goods remain unsold.

By vertue, &c. *I* took the goods and chattels of the

within written A.W. to the value of 4 l. of the within written eight pounds, which goods and chattels with me remain unsold, for want of buyers, and that the foresaid *A.* no other or more goods and chattels, nor any lands and tenements hath in my Shire, whence the residue of the foresaid eight pounds, or any parcel thereof, at the present levie *I* may, nor is found in the same.

Otherwise. By vertue *&c.* to the Barons within written *I* certifie, that the 30. day of *A. &c. I* took of the goods and chattels, lands and tenements of the within named W. to the value, *&c.* and of the goods and chattels, lands and tenements of D. *&c.* to the value *&c.* and those to sale have exposed, to which as yet *I* have not found buyers, and therefore the pence *&c.*

Otherwise. As yet those goods and chattels which lately of the goods and chattels of the farmor, occupier and tenant of the Mannor of VV. to the value, *&c.* into the hands of the Keepers of the Liberties, *&c.* I took, for want of buyers remain unsold, but from day to day those to sale *I* expose; and concerning the pence thereof arising, assoon as *I* may to you shall answer.

Otherwise. Those goods and chattels of which within in this writ is made mention, *I* have sold, and 10 s. thereof arising, at the Exchequer, *&c.* at *VVestminst.* at the day and place in this writ limited, I have ready, according to the tenour of this writ.

Otherwise. By vertue, *&c.* I have sold the goods and chattels within written, by me before taken, and also *I* have levied of the goods and chattels of R.S within named, the residue of the debt within contained; so that all those pence ready *I* have before the Keepers of, *&c.* at the day and place within contained, to the within named VV.H. to be paid, as within to me is commanded.

Superscd. As to the levying the pence within written, by vertue of a certain writ of the Keepers of the Liberties, *&c.* of *Superscd.* to me directed, *I* have altogether superseded; which writ of *Superscd.* to this writ annexed to you *I* send.

ſend. And further *I* certifie, that the ſaid *F.C.* no other nor more goods and chattels, lands or tenements in the ſame my County hath, whence any pence at preſent may be raiſed.

Reſtitution upon *Fieri facias.*

F. G. and others within named, nothing have, nor any of them nothing hath in my Shire, whence reſtitution of goods and chattels within written, to the within named *V V.M.* to have I might make; neither twenty four pound within written to the ſame *V V.M.* could I levie, as, *&c.* *Nihil.*

T.F. within written hath no goods or chattels in my Shire, whence the pence within written, nor any parcel of them hereupon levie *I* may, as within to me is commanded. *Levar. fac.*

By vertue, *&c.* *I* took into the hands of the Keepers of *&c.* a certain *Hoſtel* with three ſhops of him *I. T.* within written, which are worth yearly above the repriſes ten pound, and that the foreſaid *Hoſtel* with the ſhops aforeſaid ſafely *I* keep, until otherwiſe by you *I* am commanded. *Otherwiſe*

The execution of this writ appeareth in a certain Inquiſition, *&c.*

An Inquiſition indented taken at *VV.* in the County of *VV.* ſuch day and year, before *R. VV.* Eſquire, Sheriff of the ſame County, by vertue of a certain writ of the Keepers of the Liber' *&c.* to the ſame Sheriffe directed, and to this *Inquiſition* annexed, by the oath of *R. S. &c.* to the number of twelve yeares, who ſay on their oath that *A. P.* in the writ to this Inquiſition annexed named, hath ſuſtained damages by occaſion of treſpaſſe by *I. H.* in the foreſaid writ named, as in the ſame writ is made mention, to fourty ſhillings, and Miſes and Coſtages of him *A. P.* by him about his ſuit in his part appoſed to fourty ſhillings. In teſtimony, *&c.* *Enquiry of damages.*

By vertue of this writ, *I N.S.* Eſquire, Sheriffe of the *Elegit.*

the County within written such day and year have delivered to I. B. the moity of the mannors in the inquisition to this writ annexed specified, with the appurtenances, by extent in the same inquisition made, to be held to him and his assignes as his franktenement until the same I.B. his debt and his damages within written, shall have levied, as within to me is commanded.

Otherwise. By vertue of this writ such day and year, to be delivered I have caused to the within named A B. the moity of the Mannor of S. with the appurtenances, extended to the yearly value of foure pounds sterling, in all issues above reprises, by twelve Jurors in the inquisition to this writ annexed named, of which Mannor with the appurtenances, *B.G.* and E. his wife, were seised as in right of him E. in fee as of his franktenement, the day of the taking of the inquisition aforesaid, as in the same is found, To have and to hold the same moity of the mannor aforesaid, with the appurtenances, so extended aforesaid, to *A B.* and his assignes, as his franktenement, until the within specified fourty pound thence he shall have levied, according to the form of this writ.

The residue of the execution of this writ appeareth in a certain inquisition to this writ annexed.

Delivered, after extent made upon an obligation of Statute Staple.

Deliver' By vertue, &c. I have delivered to the within named *B.S.* the mannors, lands and tenements within written, to have to him and his assignes as his franktenement, until that for his debt within written, together with his damages, mises and expences fully satisfied he shal be, as, &c.

Extent. By vertue, &c. to the Keepers of the Libert', &c. in the *Chancery*, at the day and place within contained, wheresoever then they shall be, I certifie, that such

such day and year, the seisure and possession of and in the mannors, lands and tenements within specified to the within named W.C. I have delivered according to the exigencie of this writ; and the within named H.M is not found in my Shire.

I.M. within written is not found in my Shire, therefore him take I cannot at the present; but as to the extending and appriſing all the lands and chattels of him *I.M.* according to the form of this writ, the execution thereupon appeareth in a certain inquisition to this writ annexed, which lands and chattels in the said inquisition contained into the hands of the Keep' of the Libert'of, &c. to be seised I have caused. *Otherwise.*

A.B. within named is not found in my Shire, and therefore by vertue of this writ to me directed, to be extended and appriſed, I have caused all the lands and tenements, goods and chattels of the foresaid A. in my shire, which extent to this writ is annexed. And also all the lands aforesaid, in the same extent specified, together with his damages and costages reasonable *I* have levied, according to the forme of the Statute thereupon put forth and provided, and according to the form of this writ. *Otherwise within a Liberty.*

By vertue, &c. I have taken the goods and chattels of I.M within specified, to the value of all the pence within written, and those to sale have exposed, to which as yet I have not found buyers, therefore the pence within written have I cannot, at the day and place within contained, as, &c. *Habere facias seisinam. So is Kitch. his margent, but it is false.*

By vertue, &c. to the Justic' within written I certifie, that such day and year within written, I have caused A.B. to have plenary seising of one messuage with the appurtenances in S. within written in all things as this writ, &c. *Delib. seisi.*

By vertue, &c. such day and year within specified, to have and be assigned I have caused to the within named *Otherwise.*

named A.B plenary seisin of the manor and tenement within specified in place convenient, viz. of the manor of F. twenty acres of land, 100. acres of meadow, &c. with the appurtenances in R. &c. in the County within written, according to the forme and effect, &c.

View. By vertue, &c. I have caused R.G. to have the view of one messuage with the appurtenances in C. and have spoken to R.S. and T.D. T.M. and H.R. four Knights, who at that present view were, that they be before the Justices within written at the day and place within contained to testifie that view, as this writ exacteth and requireth.

Habere facias vis. By vertue, &c. to the Iustices within written I certifie, that no one of the part of F.S. hath come to shew me the view of the messuage, &c. meadows, with the appurtenances within written: therefore toward the execution of this writ by mé nothing is done for the present.

Otherwise. By vertue, &c. to the Iustices within written at the day and place within contained I certifie, that such day and year I have caused the within written F.F. and M. his wife to have the view of the messuage, &c. within specified with the appurtenances, and I spake to A B. C, D. E, F. G, H. four Knights of my County, who at that view present were, that they be before the Iustic. aforesaid at the day and place within contained, to testifie that view, as within to me is commanded.

Otherwise. By vertue, &c. of the Keepers &c. to this Schedule annexed, I have caused F.G. in the same writ named to have the view of fourty acres of pasture with the appurtenances in G. which H.F. in the Court, &c. before the Iustices at *Westminster* claimeth as his right and inheritance against the foresaid F.G. by the writ, &c. of Formdone in Descend. And I spake to foure Knights who

who at view present were, that they be before the Iustic, &c. at *Weſt.* at the day in the ſaid writ ſpecified, to teſtifie that view, as in the ſame writ to me is commanded.

No one came to me of the part of the within named *R.F.* to ſhew me the view of the paſture within ſpecified, wherefore view of that paſture the within written *R.F.* I cannot cauſe to have. *Otherwiſe.*

The execution of this writ appeareth in a certain Inquiſition to this writ annexed. *Waſte.*

An Inquiſition indented taken at *G.* (which is the place waſted) in the County of *D.* ſuch day and yeare before *W.L.* Sheriffe aforeſaid, by vertue of a certain writ of the Keepers, &c. to the ſame Sher. therefore directed, by oath of 12. Iurors, who ſay upon their oath, that *R.M.* in the ſaid writ named, hath done waſte and deſtruction in the wood, of which in the writ aforeſaid is made mention, and in the wood aforeſaid hath cut down twenty oaks, the price of each 20.d. part thereof to be ſold, and part thereof to be ſold, and part thereof to be carried away, to the diſheriſon of *VV.F.* within written, and againſt the form of proviſion in the ſame writ ſpecified, and they ſay upon their oath, that the foreſaid *R.* no greater waſte in the wood aforeſaid hath done, as to them in any manner may appear; in teſtimony of the which, &c. *Inquiſition*

By vertue, &c. I came to the place waſted in this writ contained, as within to me is commanded; and the reſidue of the execution of this writ appeareth in a certain inquiſition to this writ annexed. *Otherwiſe.*

An inquiſition indented taken at *F.* in the County of *VV.* ſuch day and year, before *W.K.* Eſq. Sheriff aforeſaid by vertue of a certain writ, &c. to him directed, and to this Inquiſition annexed, by the oath of *A.B.* &c. *An inquiſition.*

to

to the number of 12. who say upon their Oath that *I. D.* in the writ aforesaid named, hath made waste, sale and destruction in the tenements, lands and woods, in the writ aforesaid specified, *viz.* by suffering the Hall, *&c.* in the writ aforesaid specified to be uncovered, by which the grosse timber of the same houses, by tempests of rain upon them descending, rotten became, &c.

For Sum'. the Ass. By vertue of this precept to me directed, *I* caused to come before the Justic' within written, at the day and place within contained, all writs Ass. Jur' and Certific' in the County of W. within W. together with the Panels, Attach', Reattach', Sum', Resum', and all other helps the Ass'. Jur'. and Certific' in any wise touching to come I have caused before the foresaid Justic' at the Gaol, *&c.* of F. the prisoners in it being to deliver assigned at F. aforesaid at the foresaid day, all the prisoners in the Gaol aforesaid, being with their attachments and all other helps those prisoners in any wise touching and from the vewe of every town and places where the felonies, (whereupon the same persons indicted, appealed or arrested be) committed were, as well within the Liberties as without, 24. good and legal men, by whom the truth of the matter may be better known and enquired, and who to those prisoners are not at all allied, together with four men, and the chief of town or place, to do those things which then and there to them of the part of the Keepers of, &c. shall be enjoined, publikely also to be proclaimed have *I* caused, through my whole Shire, that all those who will prosecute against those prisoners, then they be there against them, (as just it shall be) to prosecute: also *I* have made known to the Justic' of peace, Coroners, Seneich', Bailies of Liberties and Hundreds of the County aforesaid, that then they be there with the Rolls, Records, Indictments, and other their Remembrances, to do those things which to their office belong, as within to me is commanded.

The

The reſidue of the execution of this precept appeareth in a certain Schedule to this writ annexed.

Seſſion.

By vertue, &c. *I* have cauſed to come before the Juſtices within written at M within ſpec' the day and year within contained, all Conſtables and Bailies of Hundreds and Burgh' within ſpec', and alſo of the ſaid Hundreds 24. Jur' to do thoſe things which to them on the part of the Keepers of, *&c* then and there ſhall be joyned; And alſo *I* have made known to all Conſtables and Bailies of Hund' within written, that then they be there, having with them all the names of *Artificers*, Labourers and Servants of Husbandry, within the Hundred aforeſaid againſt the form of the Statute therefore ſet forth and provided.

And moreover, ſufficiently to be proclaimed I have cauſed within my Shire, that all they who as well for the Commonw', *&c.* as for themſelves againſt ſuch like Artific', Labourers and Servants any plaint have, according to the forme of the *Statute*, the Ordinance aforeſaid, plain or proſecute will, that then they be there that bill to proſ' juſtice to undergo, if to themſelves they ſhall ſee it expedient, as within to me is commanded.

The Kalendar.

Derb.

The Kalendar of the names of the Juſtic' of the peace of the Commonwealth, of the Coroners, *Seneſchals*, Bailies and Hund' in the County foreſaid ſummon to the Aſſiſes held at C. in the County foreſaid on Tueſday in the fourth week of Lent, the year, &c. of the names of the priſoners in the Gaol of D aforeſaid being, A. B. C. D.

Names.

Names of the Justic' of Peace.
A.B.C.D. &c.

Names of the Coroners.
A.B.C.D. &c.

Names of the Seneſch' and Bail of Libert'
E.F.G.H.

Names of Bailies of Hundreds.
I.K.L.M.

Names of priſon'rs in the Gaol of D being
I. S. Repri'

F.N. taken at S. for ſuſpic' of Felony.

Proceſſe in Chancery.

For Kn. of Parliam. to be choſen.

To be choſen I have cauſed two Knights with ſword girt, the moſt meet and diſcreet of my County foreſaid, *viz. W.F.* and *I.S.* which Knights full and ſufficient power for the County foreſaid have, to do and conſent to thoſe things which at the day and place within contained of the Common Councel of *England* to be ordained ſhall happen; and the foreſaid *W.F.* and *I.S.* Mainpriſe are by L.P.W.B.I.D. and R.N. to bear the Parliam' &c. at *Weſtm.* at the day within contained, to do as this writ exacteth and requireth. I have made alſo my precept by vertue of this writ to *F.F.* and *W.S.* Bailies of the Liberty of the Town of G. that out of the Borrough of G. to be choſen they ſhould cauſe two Burgeſſes of the more diſcreet and more ſufficient, that they be at the Parliam' of, &c at the day within contained to do and conſent as aforeſaid, which Bailies thus to me anſwer, that to be choſen they have cauſed out of the foreſaid Borough of G. two Burgeſſes diſcreet and moſt ſuffic' to be at the Parliam' aforeſaid, *viz. S. W.* and *R.W.* By

By vertue, &c. at my next County after the receit of this, held at W. such day and year in that full County, to be proclaimed have I caused all things in that writ contained, according to the form and effect of this writ, as, &c. But the residue of the execution of this writ appeareth in a certain Indenture to this writ annexed. *For a But of Parlit to be chosen.*

This Indenture made such day and year, betwixt M. P. Sher' of the County of C. on the one part, and J.D. and A.B. &c. on the other part witnesseth, that according to the form of the writ in this Indenture annexed, (Proclamat' being made in the full County held at C. such day and year) the foresaid J.D. and S.B. &c. who at the proclamat' foresaid in the full County foresaid present were according to the form of the Statutes in the writ aforesaid specif', and the exigencie of this writ, have chosen A.D. and I.A. to be Burgesse of the City foresaid at the Parliament in the same writ specified, who full and sufficient power for themselves and the County of the City foresaid have, to do and consent as that writ exacteth and requireth, in testimony of which matter the parties aforesaid to these Indentures, their seals alternately, &c. *Indenture.*

By vertue of this writ as well within the Liberties as without, through my whole Shire publikely to be proclaimed I have caused, that all and singular persons, lands, tenements and rents, as within written is having (whose name in a certain Schedule to this writ annexed are written.) To the presence of our Lord the King, about the Feast within written personally appear and come, the foresaid order to receive, as within to me is commanded. *Upon the writ to receive the Order Militis.*

By vertue, &c. all the writs to me delivered, or to be delivered before the Justic' within written at *Westm.* in the Oct. of Saint *Hill.* returnab, or to be return, I have *Adjournment.*

* So all the Editions, reade Communalty.

have before the Justic' within written at *Westm.* the day, &c. together with all executions of them; and further at my County held at N. such day and year, publikely to be proclaimed have I caused, that the parties in the same writs named, their dayes before the Justic' at *Westm.* at the foresaid terme should keep, as this writ, &c.

Certiorare upon protection.

** And as I. Rastal.*

** In Comitiv', in company of, &c. So I. Rastal. 5b should to the here.*

By vertue of this writ of our Lord the King within written in his Chancery, under my Seale distinctly and openly I signifie, that W.T. within named in the safe keeping, victuall', and tuition of the Town, the Castle of the Marches of our Lord the King of *Calice*, in the service of the same L. King in S. of his foresaid Coseu W. D. his Lieutenant General of the Town, Castle and Marches aforesaid, according to the forme of our L. the King, his letter patents, by which the same Lord the King, the foresaid T. W. into his protection and defence lately took, doth not abide, but delay maketh in the City of *Lond'* his own businesses intending &c.

Supplicavit.

I I.D. Knight, Sher. of the County within specified, to the Keep' of the Liber' &c. in the Chancery, certifie, that before the coming of this writ A. B. within named, taken was in my County; and in the prison of the Keepers of, &c. there under my custody detained, by vertue of a certain other writ to this writ annexed. For which the foresaid A. B. was delivered to the Bail of A. B. C. D. E. F. and H. P. who him mainprised every of them mainprised for himself for the foresaid A. B. under the pain of 10*l.* In that he no damage nor evil to H. P. in the same writ of Supplic' spec' within such a day next to come should do, nor to be done procure in any manner, which 10*l.* the foresaid mainpe have granted, and every of them by himselfe hath granted of his lands and chattels, and of every of them to the use of the Commonw', &c. to be levied, if any damage or evil to the same H. P. by the foresaid

A. B.

A. B. or his procuring in the mean time happen in any manner, *&c.* and this is the secur' of the peace which the foresaid A. B. before me found, *&c.*

Vnder which Bail the foresaid C. suffered was to go at large out of the prison aforesaid, and after to my custody he came not again, wherefore the body of the foresaid C. before the keepers of the Liber't, *&c.* at the day and place within contained have I cannot. *Or thus.*

I *&c.* to the keepers, *&c.* in the *Chancery* certifie, that R. F. within named, no security of the peace hath found me, of which within is made mention, but in the prison of the keepers of, *&c.* under my custody at the present resideth. *Or thus.*

For which plaints of threats the foresaid *J. B.* before the coming of this writ delivered was to baile to certain A. B. C. D. E. F. and G. H. who mainprised, and every of them hath mainprised under the pain of 20. l. for the foresaid *J. B.* that he no damage or hurt to the foresaid H. P. and T. D. or any of them betwixt this and the morrow of *All Souls* next to come, should do, nor to be done shall procure, which twenty pounds the foresaid Mainpernours have granted, and every of them hath granted of his lands and chattels, and of every of them to the use of the Commonw' *&c.* to be levied. If any damage or evil to the same H. P. and T. D. or to any of them by the foresaid *J. B.* or his procurement in the mean time happen in any manner, under which baile, *&c.* at large, *&c.* *Or thus.*

Before the coming of this writ, and before any execution of the same, A. B. C. D. E. F. *&c.* came before *J. D.* the Sher' of W. and mainprised before me the aforesaid Sher' for L. M. *viz.* Every of the Mainpernours aforesaid, under the pain of ten pounds, that the same L. betwixt this and the morrow of *All Souls* next to come, towards the parts beyond sea, any matters to *Ne exeat regnum.*

our said Lord the King, or to any of the people of our said Lord the King prejudicial or hurtful there to prosecute or attempt, shall not divert, nor any thing there prosecute, which to the prejudice or hurt of the said Lord the King or his people, or to the eversion of the State of the Kingdom of *England* may make, nor any one or more thither to send for this cause, which sum often pounds the same Mainpernours have granted, and every of them by himself hath granted of his lands and chattels, to the use of the said Lord the King to be levied, if the same L. any thing against the form of the Mainprise aforesaid shall do, or cause to be done, or attempt in any manner; and this is the tenour of the Execution, whereof within is made mention, which to the said Lord the King into the *Chancery*, &c. at the day and place, &c. I send.

Proclam out of the Chace. By vertue of this writ to me directed, publike Proclamation I have made within my Shire, that the within named H.B. under the pain of his engagement, before the Keepers of the Liberty, &c. in the *Chancery* within written, at the day and place within contained appear, as within to me is commanded, and also to the said Keepers, &c. I certifie that the within named H.B. is not found in my Shire.

Bremunire. By vertue of this such day and year by I.S. T.T. Z. K. and E.F. good and legal men of my Shire, to be forewarned, I have caused W.R. Clerk within named, that he be before the Keepers of the Liberty, &c. at the day within contained, wherefore, &c. to do and receive this writ exacteth and requireth, and I B. and the rest of the Defend' within named nothing have in my Shire, by which them forewarned make I may at the present, nor are they found in it.

Of choosing a Verdour of any Forrest. To our Lord the King I certifie that the within named J.H. before the coming of this writ to me directed dead was, and that I after the return of this writ,

writ to me directed, in my full County held at *Vvilton* in my County, the nine and twentieth day of *May*, the year within written, by the assent of the same County in the place of the foresaid I. to be chosen caused a certain N S. Esquire Verdour of the Forrest of *B.* within written to do as this writ exacteth and requireth.

At my County held such day and year in full County foresaid by vertue of this writ of the assent of the same County in the place of P. H. within named, who deceased is, *I* have chosen a Coroner, *viz. I. VV.* who (as the manner is) hath taken his oath corporal, that he will do and keep those things which to the office of Coroner in the County foresaid, belong to be done, as within, &c. *Election of a Coroner after the death of another.*

By vertue of this writ I have summon' the Arch bishops, Bishops, Abbots, Earles, Barons, and all other freeholders, who lands and tenements have within the bounds of the forrest of our Lord the King within written in my County, and four men the chief of every Town, within the bounds of the same forrest, and also twelve good and legal men of every Burrough, within the bounds of the said forrest, who to come ought and were wont, that they be before the Justic' within written, at the day and place within contained, as within to me is commanded. *Sum' Justice of Forrest.*

Publickly also to be proclaimed *I* have caused through my whole Shire, as well in Burroughs as in other Townes, and in Faires and Markets, and other places publick, that all they who by Charters of our Lord the King now, or of his Ancestors or Progenitors or any other manner, any Liberties or Franchises hold, or claim liberties to have, and by what warrant, that they be before the said Justic' at the day and place foresaid, To be proclaimed *I*, have caused, that all attached for Vert or Venison in the Forrest afore-

said after the last plea of the forrest aforesaid held, and the pledg' of those and Mainpern', who have daily the Mainprise aforesaid, to be before the Iustis' aforesaid, to stand to the Law, and those things which according to the Law of the Forrest to do they ought.

The residue of the execution of this writ appeareth in a certain panel to this writ annexed.

Cap. Milag. By vertue, &c. I have taken the body of H S within named, whose body before the Iustis' within written, at the day and place within contained ready I have, as within to me is commanded. The resid' of this writ appeareth in a certain inquisition to this writ annexed.

Otherwise betwixt two Sher' Before the coming of this writ I. M. Esquire, late Sheriffe of the County of W. the within named T. D. took, and in the prison of the Keepers of, &c. in his custody detained, by vertue of a certain writ of the keepers of, &c. to the said late Sheriffe directed, which T. D. the said late Sheriffe, together with the said writ to him directed to me, I. D. now Sheriffe of the County foresaid, in the going out of his office delivered, whose body and writ to the said late Sheriffe directed, I the foresaid now Sheriffe before the Iustices within written, at the day and place within contained, ready have to do and receive, as the said writ exacteth and requireth.

Testific' of a Return of the late Sher'. This writ as above indorsed, together with the inquisition to this writ annexed, the twentieth of June, the year, &c. within written, the said delivered was to me I. D. Knight, Sheriffe of W. within written by I. S. Esquire, late Sheriffe of the County foresaid, my predecessor in the going out of his office.

This

This laſt Return muſt be written in Roman letters.

Certiorare

By vertue, &c.* all and ſingular the indictments of R.B. within named, before the Keepers of the Liberties of, &c. whereſoever they ſhall be in *England*, at the day within contained, I ſend in a certain Schedule to this writ annexed.

Otherwiſe by the Coroners.

We A.B. and C.D. Coroners of the Commonw' of the County within written, to the Juſtic' within writen, at the day and place within contained; we certifie, that we ſearched the Rolls, and other our Remembrances, and alſo all and ſingular things at any County within written, in our preſence held; as well at the ſuit of the Commonwealth, as at the ſuit of C.H. or any other publiſhed, and nothing thereof can we finde; nor any ſuch record is there had, which to the Juſtic' within written certifie we may, according to the form of this writ.

Ceſſavit by two years.

By vertue, &c. to the Iuſtic' within written I certifie, that ſuch day and year I have taken into the hands of the Keepers, &c. three meſſuages within writen, by the view of *A.B. C.D. E.F. G.H.* good and legal men of my Shire, as within to me is commanded.

Dedimus poteſtat.

By vertue, *&c.* to the Keepers, &c. in the *Chancery*, I certifie that *I.B.* within named, before us his Oath corporal hath taken, that the letters patents (of which within is made mention) to the hands of the within named C.D. his teſtator came; but on his Oath he ſaith, That nothing of the Articles, and other circumſtances in the ſame letters patents ſpecified before him was found.

The Answer of H.L. and I.D. Commiss.

Return of a Commission By vertue of this Commission to us directed, we have taken the answer of T.D. within named, upon the Holy Gospel of God, that all things in the same answer contained are true; which answer so taken is to this Commission annexed, together with the bill to us likewise in the same directed; and all other things which in the same Commission are contained, or to the same appertain we have caused to be done, according to the effect and tenor of the same, as within to us is commanded.

Return to the Chancellour or Keeper of the Rolls.

By vertue, *&c.* search was made amongst the records of the *Chancery* within written, &c. and amongst the same or any of them, no record for the title of the Commonwealth, as yet *I* finde, by which apparent it may be made of any lands or tenements in S. in C, which lately were to the within named I.S. which to the hands of the said Keepers, &c. ever came as in this writ is supposed.

Decies tantum. To the Justices within written I certifie, that the within named S.A. at the day and place within contained, before you ready *I* have, to do and receive what the Court, &c. within written of him shall consider, according to the form of this writ.

Security of the peace. I I.D. one of the Justices of the Commonwealth, &c. in the County of E. the peace to conserve assign' send before the Keepers of the Libert' &c. into the *Chancery*, the tenour of the security of the peace, of which in the said writ is made mention, under my Seal, as this writ

writ exacteth and requireth, &c. which ſecurity annexed is to this writ.

Security of the peace as it is taken. *Certificate.*

The anſwer of T. M. Major of the City of D. and one of the Juſtices of the Commonwealth, &c. the peace in the ſame County to conſerve aſſign'. *Scire fuit.*

By vertue, &c. all and ſingular the recogn' which A. B. and the reſt within named, before the Juſtices within written lately have made, with all things them concerning before the Keepers of the Libert' of, &c. at the day and place within contained, *I* ſend under my Seal to theſe preſents annexed, as within, &c.

T. F. *Major of the City foreſaid.*

Proceſſe out of the Exchequer.

The within named Lady *I. S.* nothing hath in the manors, lands and tenements within written, but with *I. S.* Eſquire, whom ſhe hath taken for husband. *Nihil.*

By vertue of this writ to me directed, *I* have taken the body of the within named *I. S.* whoſe body before the Barons within written ready *I* have, as within to me is commanded. *Capi Corpus*

By vertue of this writ to me directed, to the Barons within written *I* certifie, that *I* have taken the body of the within named I. R. whoſe body before the ſaid Barons ready *I* have at the day within contained; as alſo the ſeventieth day of *January*, the year ſaid within written, I have taken into the hands of the Keepers of the Libert' &c. in name of diſtreſſe, certain lands and *Take as well the body as lands* *Diſtr.*

te-

renements of the within named I. R. lying and being in in B. of the yearly value of C.*s.* as this writ exacteth and requireth.

Take as wel the body as goods.

The within named *I.E.* is not found in my *Shire*, nor hath any goods or chattels in my *Shire*: but by vertue of this writ to me directed, to the Barons within written I certifie, that the fifteenth day of *June*, the year, &c. I took into the hands of the Keepers of, &c. in name of distresse seven messuages or tenements with the appurtenances in M. which are of the clear yearly value of *L.s.* and one capital messuage or farme, with the appurtenances in W. of the yearly value of five marks.

Otherwise.

The within named, *A.B.* is not found in the Shire of E. farther to the Barons within written I certifie, that by vertue of this writ to me directed, such day and year within written, I took into the hands of the Keepers of the Libert' &c. one messuage or tenement with the appurtenances in B. in the County of *W.* within written, of the yearly value of ten pounds, of the lands and tenements of the within named *A B.* as also six Cowes, one Bull, and one Gelding, of the price in the whole of eight pound of the goods and chattels of the same A. B. in name of distresse, as to me is commanded. All which goods and chattels with me remain unsold, for the defect of buyers: and the same A.B. no other nor more goods or chattels, lands or tenements hath within my *Shire*, which into the hands of the Keepers, &c. at the present in any wise take or seise I may.

Otherwise.

To the Baron' within written I certifie, that by vertue of this writ to me directed, the eighth day of *I.* the year, &c. within written, I took into the hands, &c. the mannor of *S.* with the appurtenances within written, as, &c.

The

The residue of the execution of this writ appeareth in a certain Schedule to this writ annexed. *Schedule.*

An inquisition indented taken at *S.* in the County foresaid, the eighth day of *Jan.* the year, &c. before me J. H. Knight, Sheriff of the County foresaid, by vertue of the keepers of the Libert', &c. close to me directed, which is to this inquisition annexed, by the Oath of I. D R R &c. good and legal men of the County foresaid, who say upon their oath, that the mannor of *S.* with the appurtenances is of the yearly value of five pound, above all charges and reprises: In testimony of which, &c.

The Mannor of *S.* within written lieth in the County of G. and not in the County of W. therefore the tenants do thereupon distrain *I* cannot, as within to me is commanded. *Otherwise.*

By vertue of this writ to me directed. To the Baons within written *I* certifie, that the twentieth day of *March*, the said year, *&c.* within written, *I* took into the hands of the keepers, *&c.* the mannor within written, with the appurtenances, as within to me is commanded. *Take into the hands.*

If it be with an Inquisition of the yearly value.

The residue of the execution of this writ appeared in a certain *I*nquisition to this writ annexed.

The within named W. B. and M. his wife, are Tenants of the third part of the Mannor within written in three parts divided, and C. A. M. E. and *I.* B daughters of C, D, deceased, are Tenants of the second *Who is Tenant.*

cond part of the Mannor within written, remaineth in the hands of our Lord the King, &c. by reason of the minority of T.B. son and heir of the foresaid C.B.

Mainpernors of the foresaid W. B. and M. his wife, I D.R.R.

Venire fac' extra Offic' Coron' vel Scacc.

The within named A.B. nothing hath in my shire, by which he may be attached, or his Sum' I may.

The within named A B. attached is by pledg' *viz.* I.D. R.R.

If it be an Earle or Countesse.

Issues of them half a Mark.

The other edition hath but 10. s. *Distr.*

And further, if these words be recited in the writ (as also to shew) twenty shillings.

Otherwise.

The within named R.A. nothing hath in the lands, tenements and hereditaments within written, by which him distrain I may.

No such mannor, nor any lands or tenements known by the name of E. lying in the County of W. where the tenants thereupon distrain *I* may, as within to me is commanded.

The

The within named *I.K.* nothing have, nor either of them any thing hath in my Shire, and farther to the Baron' within written *I* certifie, that there are no Executors or Administrators of the goods and chattels, which were to the within named *M.K.* whence them or any of them distrain *I* may.

Mainpern' of *I.S.* Gent. Tenant of the lands and tenements within specified, which were to the within named *M.K. I.D. R.R.*

Issues, 13.s. 4.d.

By vertue. &c. execution *I* have made of the goods and chattels of *I.H.* within named. of a certain demise and grant to the same *I.H.* by a certain *T.C.* of one part and the foresaid *I.H.* of the other part, for the terme of 31. years, to begin from the first day of *Jan.* the yeare, &c, within written, as by that Indenture, bearing date the same day and year more fully manifest is and appeareth, of and in one Messuage and Farme with the appurtenances, situate, and lying, and being in *L.* in the parish of F. within my Shire, called or known by the name of *B.* together with all and singular Lands, Meadows, Pasturages, Pastures, Woods, Under-woods, Waters, * with all the appurt' situate, lying and being in the within the Town, Parish and Fields of F. aforesaid, and likewise in my Shire; and the foresaid Demise, and all the whole right, state, title, term of years, possession, and demand which the foresaid *I.H.* now hath, of and in the foresaid premises, by vertue or vigour of the same Demise and Grant, or otherwise, to sale *I* have exposed and sold to a certain *P.G.* Gent. for the summe of seventy and six pounds, thirteen shillings, foure pence; and also *I* have levied of other goods and chattels of the foresaid *I.H.*

Fieri fa'

**Here both Edit' put Pasture in again.*

J.H. to the value of 65.l. 6.s. 8.d. which sums of pence so in forme aforesaid by me levied, in the whole amount to 232.l. 2.s. and the same sums before the Keepers of the Liberte', &c. as the day and place within contained ready I have, to render to the within written E.P. and I. his wife, in part of satisfaction of the damages within written, as by this writ to me within is commanded. And that I.H. no goods or chattels in my Shire had, that the residue of the hundred sixty five pounds, six shillings, two pence, make or levie I may, according to the exigence of this writ.

Cepi in manu'. By vertue, &c. the tenth day of *S.* the year, &c. within written, *I I.S.* Knight, Sheriffe of W. within written, took and resumed, and into the hands of our Lady the Queen, have seised all those tenements, shops, gardens, and all other the appurtenances, by vertue of this writ to be resumed, which appear in an Inquisit' to this writ annexed.

De vendicioni exponenda. By vertue of this writ to me directed from day to day to sale I have exposed all those goods and chattels, to the value of *U.s.* residue of the 8.l. which lately were of the goods and chattels, lands and tenements of I.P. within named, and thereof have sold to the value of 40.s. which 40.s. ready I have at the day and place within contained, as within to me is commanded, then there to be paid and the residue of the goods and chattels, as yet with me remain unsold for defect of buyers; but to sale I will set them from day to day: and when to be sold they shall happen, the peace thereof arising before the Barons within written, according to the forme and effect of this writ.

Thos

Those goods, to the value of twenty marks within written; which by vertue of the Keepers of the Liberte', &c. now lately to me directed, I have taken of the goods and chattels, lands and tenements which lately were to T.F. within named, to sale I have exposed and sold, and those pence before the Barons within written I will have, to the day and place within contained ready I have, as within to me is commanded. *Otherwise.*

A.B. and C.D. within named dead were, long before the issuing forth of this writ; nor had they any goods or chattels, lands or tenements within my Shire, which to extend or apprise I may, as by this writ within to me is commanded. *Dead they are.*

The within named A.B. and C.D. dead are; and as to the residue of the execution, nothing by me is done, because of the shortnesse of time. *For shortnesse of time.*

By vertue, &c. to know I have caused to J.C. within named, that he before the Barons within written at the day and place within mentioned by J.C. and R.S. good and legal men of my Shire, as within to me is commanded. *Scire feci.*

There are no Executors of E. within written, nor administer of the goods and chattels which were his, nor heirs, nor tenements of lands and tenements, which his were in my Shire, which by any means make know I may. *Against Executors.*

I.S.

Otherwise. J. D. and the other Defend' nothing have in my Shire, by which them *I* may make know.

Non omis'. By vertue, &c. *I* have taken of the lands and tenements of the within named W. R. to the value of 40. s. which *I* have before the Barons within written, at the day and place within contained, as within to me is commanded. And farther to the Barons within written *I* certifie, that the foresaid W. no other, or more lands nor tenements, goods nor chattels in my Shire hath, whence the residue within written levie I may, as this writ exacteth and requireth.

Here

Here enſue certain Caſes of the Common Law, upon the Returns aforeſaid, and others.

BEcauſe the Juſtices (to whoſe office it belongeth to every man before them ſuing Juſtice to exhibit) frequently are hindred in the execution of their office, becauſe the Sheriffs writs original and judicial return not, and alſo falſe anſwer return, provided both our Lord the King, that thoſe who fear the malice of Sheriffs may deliver their writs in full County, or in the next County, where is collection of the pence of our Lord the King, and a billet may be taken of the Sheriffe preſent, or under Sher' in which billet may be contained the names of the Demandants and Tenants, and the Seal of the Sher. or under Sher. to the billet may be put in teſtimonie, and mention may be made of the day of the delivery of the writ. *Weſt. 1. c. 39.* *Falſe Return.*

And it gives remedy if the Sheriffe will not ſeal the billet, by this Statute remedy is given if the Sher returneth Tarde, where he hath ſufficient time to ſerve the writ, and where he returneth: I have commanded the Baily of the Liberty, where there is no liberty, and this Statute gives an Omitt' not for the liberty, and it giveth Averment againſt the return of the Sher', if the return too ſmall iſſues, and it giveth, that Reptes, Corn in the graunge nd all moveables, beſides horſe, harneſſe, appa- *Tarde.* *Mand. Ball.* *Non omit' Averment.*

rel and houſhold-ſtuffe be contained within the name of iſſues, and this ſtatute gives the poſſe of the County. See the Stat. 1.E.3.c.6.

Authority the Sheriff. The Sheriffe by the Common Law is the Conſervator of the peace, and hath the cuſtody of the County, for the time that he is Sheriffe, and may cauſe the party to finde ſurety, if any man it prayeth, and every obligation which he taketh ſhall be reputed a Recognizance in Law, and eſpecially when it is certified by certiorare into the Chanc' but pleas before him in the County or Hundred are not of record, thoſe are by reaſon of Courts, this taking for the peace is by reaſon of his office. *Fitz.* 81.D.

Appearance If the Sheriffs return upon the diſtring' Jurat' no manner of iſſues, and a full Jury appeareth, this is no errour, for the King hath no loſſe, and the iſſues are for the King, which he ſhall not have if full Jury appear. 3.H.7,8.

Attachments. Alio if the Sher' return *Scire feci* upon a fine or judgement, and no mention is made of the names of the ſum, and veriours, and the party appeareth and pleads no error. And if upon the grand Cap. the ſum and veriours are not returned, yet if the party appear and plead no errour, 3.H. 7.14. This return was amended, and the plaint recovers. See 8.Hen.5.2.B.

Scire facias is returned *ſcire feci* by *I.S. I.D.* and although the return be not by *good and legal men*, as it ought to be, if the party appear it is a good ret, and may be amended. 33.H.6.35. 44.E.3.16. 8.H.6.8.

If the Sheriffe attache a Cow, the property is not out of the party till the day of returne that he makes default, and if at the day of returne he

he makes default the Sher' may take it as forfeited to the King, though he had left it before with the party. 9 H. 7.6. A Table Dormant, and such things as are fixed to the frank-tenement cannot be attached. 21. H 7.26.

Anuity the Sher' returns nothing he hath in my Shire, by which he may be attached, where it should be by which he may be summoned, and although it were in the time of another Sher' it was amended; for the Court may amend the mistake of a clerk, and also of the return of Sher' 33. H.6. 47. *Amendment.*

Upon Distring' Jurat' the Sher' in his return left out four names which were in the *venire fac'* and the Sher. was examined and said they were distreined, and therefore the return was amended. 37. H 6.12. 2. 2 H.6.45

Appeal, Upon Distring' Jurat, where there were Knights and Esquires in the writ, only eight pence was returned upon every Juror, the Sheriffe had been amerced, had he not been there present and amended it, and made upon every Juror. 11. S. 2. R. 3. 13.

Attaint, at the Distring' Jurat' the Sher' returneth issues upon *J. Burton*, where there was no such of the Jury, but *John Borneston*, and it was amended. 2. H. 5, 8.

The Sheriffe upon Capias returns *non in veni*, where he ought to return, *non est inventus*; and the party was outlawed, and it was assigned for errour, and awarded errour, and it shall not be amended. 9 H. 5. 10.

One was outlawed, and *Proclamare feci* of it returned, thus to be proclaimed I have caused, that himself he render to the Sheriffe of London, where

the writ was to the Sheriffe of *Kent*, and that outlawry was reversed by errour, and shall not be amended, 27.H. 8.34.

One outlawed, and the exigent was ret. At the County held at the Castle of *Oxford*, the first time exacted he was, &c. and because it was not in what County, it was an errour, and shall not be amended, 21.H.7.39.

One return outlawed, and because it appeareth not, to be by judgement of the Coroners reversed without the writ of errour, it shall not be amended, 21.H.7.33.

The Sheriffe returnes *scire feci* I.A. *Cl' io*, where it should be *Cl' ico*, It was amended 7.Hen.6.1.

Where the Sher. upon Distring. returns too small issues, he shall amend the issues, 27.H.8.3.

Averment. Processe against the Voucher the Sher. returns, the Voucher dead, the demand may aver that he is alive, by Stat. of 14. of Ed.3.c.16. Voucher 8, And there it is held that a man shall not have a direct averment against the return of the Sher. unlesse where his person is to be charged, or his inheritance for ever to be lost, and by law he can have no remedy to save that inheritance. 40.E.3.6.

Debt against two, the Sher. returns upon the Capias, I have taken the bodies, and tho' before you I now have, and now comes and sayes that his fellow is dead, and hath it because the other cannot this deny. 50.E.3.7.

By Stat. of Welt. 2. aforesaid upon Distring. one may aver that the Sher. hath returned too small issues, and by that book the Sher. ought to return issues of so much rent as the def. received from the day of the writ purchased, until the day of the return 27,H,8,3.

Where

Where the Sher. returns too ſmall iſſues upon Diſtring' one may aver that they are too ſmall, but ſome think if he ret. too ſmall upon the Diſtring. Jurat. it is out of the Stat. 10.H.7.11.

Debt the Sher' ret upon the Diſtring. 20.d. upon the Def. and averment was that the Sher' might have returned, betwixt the writ delivered to him, and the return C.S. and the writ was awarded to the Juſtic' of Aſſ' to enquire of it, 20 H.6.26.

Where the Sher' returns one out-lawed he cannot aver, that he was not exacted more then three or four times, but in Appeal he may have the averment 10 H 7.22.

In Rediſſeiſin no averment can be, that the Sher' went not to the place, for he is Judge, alſo the outlaw cannot aver that he was not the fifth time exacted, 10.H.7.28.

Treſpaſſe, upon the Pone goods were returned attach' and when the def' appeared, he had a writ to the Sher', to deliver again to him his goods, and the Sher' returns, that he hath re-delivered, the def. connot aver the contrary. The ſame Law in ret. of ſeiſ. in Dower, there can be no averment to the contrary; for the Sher. is an officer to whom credit ſhall be given; ſo that there ſhall be no averment to the contrary, where one is without remedy and to be diſherited otherwiſe, as if the Sher' in a *Præcipe* againſt one return that he is dead, the demand. may averr that he is alive, and may ſay not attach. by 15 dayes, which is no direct averment, but upon *Habere fac ſeiſinam*, where the Sher. returnes, ſeiſin I have cauſed to be had. No averment can be to the contrary 3 E.4.10.

No direct averment can be againſt the return of the Sher' in the ſame action, in another there may, as in deb: againſt the Baily of Franchiſe upon eſcape of

out, the Sher' return he hath taken him by warrant to him directed upon *Capias ad satisfac'* he may now in this action of debt aver. No such warrant was to him directed. And in Assise not attached by fifteen dayes may be averred, And in *Precipe*, not sum' according to law is a good averment in the same action, not attach' or not sum' 5.E.4.1.

Writ of *Discent* Is return by the Sher' and the def' avers that the summoners now return' were not the sum' in the *Precipe*, this averment against the ret. of the Sher' not allowed, 5.E.4.2.33.H.6.11. *Markam* accords.

Sheriff returns, I have commanded the Baily of the Liberty of *N.* who thus answereth That the def. another time was committed to the next Gaol by the Auditors upon account for arrearages, and that he being Baily of that Goal; him brought to prison, and that he came in upon *Capi Corpus*, and he saith there was no such account, and had the averment notwithstanding the return of the Sher. 18.E.4.1.

One sues a *Libertate probanda*, after a *Nativo Habendo*, and the Sher' returneth no *Nativo Habendo* was delivered to him, and the other averreth the contrary and may. 18.34.2.

Upon *Venire facias* the Sher. returneth 24. Jur. and upon the *Habeas corpora*, he returnes that 12. of them are dead, the plaint. has the averment that they are alive against the return. 20 E 4.11.

The plaint. prayes that the def. in *Replev.* may gage deliverance, and the def. saith that they are dead in the pound, open in default of the plaint' and he prayeth a writ to the Sher. If it may appear, if the Sher' ret. upon that writ that they are dead, he may aver the contrary, and have a *Sicut alias* 30.H.6.2.

Where the Sher. returns, I have commanded the Bail' of the Libert' of the Archbish. of *York*, who returneth sum' the def. cannot aver that the land is within the Franchise of *Ripon* 34.H.6.3.

The

The Sher. ret. upon exigent that four times he is exact, and notwithstanding averment was taken that he was outlawed, and that was certified by the Coroners, and therefore was the Sher. amerced to 50. marks. 36.H.6.24.

Where the Sher. upon *Capias ret. non est inventus*, no averment can be against this return. 2 H.4.15.

There may be averment in another action against the ret. of the Sher. as in Covenant the Sher. returneth him warned; yet in detinu. averment may be to the contrary. 11.H.4.17.

Whereupon *Corpus cum causa*, out of the Common Bench, is returned, that he is bound to the peace, which is for the King, though false, there can be no averment in this writ to the contrary. 9.H.6.44.

An outlaw reverses, &c. by errour, hath a writ, to restore his goods taken in the time of the outlawry, directed to *John Baily of West.* he cannot return that he is not Baily, but must answer to the goods whether he hath them or not, and how they be wasted in his possession 6.H.7.9.

The Sher. or Baily errant sworn and known may arrest without shewing the warrant, otherwise of the Sher. his servant, or another Baily not sworn or known. 8.E.4.14.

Where the Sher. returneth upon *Fieri facias*, That he is a Clerk beneficed, not having a lay fee, there shall issue a writ to the Bishop to sequester his benefice. 13.H.4. ult. 8.32.H.6.13.2.E.4.1.22.H.6.20. *Clerk.*

The ordinary sues a writ of annuity against one the Sher' returneth he is a Clerk beneficed, not having a lay fee, held the *Venire facias Cleric.* shall issue to the Metropolitan, because the plaint. is the ordinary 34.H.6.29. *Both edit. the Ordinary.*

Return. I have commanded the Baily of the Liberty of *Dubia.*

of the Duchy of *Lancast.* though the Duchy hath not capacity, is good, because there were ancient Presidents of this Manner 33,H,6,22.

Church. Upon *Capias* the Sher. return. that the party is verger in the Church of *Serum*, and abideth within the precinct of the Church; and being a Sanctuary he ret. therefore he is not found. For that cause the ret. is not good, he may serve that processe in the Church. 6,H,4,3.

2 R,3, last Ch. prohibiteth on pain of imprisonment and fine, that no man arrest any person of holy Church, when he is performing Divine service.

Enquest. Dower, The demand. recourse upon def. after def. and the demandant saith that her husband died seised, and prayeth her damages, and the Sheriffe returns this, that the Inquest found no damages. And by *Thorp* the Sher. shall not be amerced, but where he ret. a writ civilly of himself, in this case he returns by the oath of 12, wherefore he shall not be amerced 44,E,3,°.

Debt against executors who plead, fully administ. It is found they have assets, and the Sher. returns the *Fieri facias*; I have commanded the Baily of the liberty of *Kingston*, who answereth me that the execut. afores. have not any goods which is contrary to the verdict adjudged, the ret. was not good, he cannot return a thing contrary to what is found, 3,H,7,12,5,H,7,27, accords.

Where the parties admit such a Venew, though no such there be, the Sher. cannot return, that there is no such; but he shall make the panel of the body of the County, 37,H,6,12.

Appeals the Sher. ret. Jur. of the Venew of D. and yet the new Sher. return the distresse that there is no such venew; and he may 31H,6,58.

The

The father is condemned and upon exigent upon *Capias ad satisfaciendum* the Sher' ret. that he hath rendred himself, and it is his son who came, this was so aver. and found the son, and the Sher. was amerced, 7 *H.* 4, 13. *False ret.*

Where the Sher. makes false return, as if he return, I have taken the body upon *Capias ad satisfaciendum*, and have him not, remedy is by writ out of the Chancery, or upon account in the Exchequer, and not here, 7. *H.* 4, 32.

If a felon going to execution be rescued from the Sher' if this be presented before the Justice of peace, it is felony, otherwise if it come in by ret. of the Sher. 6, *H.* 7, 12, 31, *H.* 7, 6. the same. Vpon *Fieri facias*, the Sher. ret. to be levied I have caused, at the day within contained, and at the day hath not the pence, therefore issueth a *Scire facias* to the new Sher. against him to say, why he shall not have execution, 9, *E.* 4, 50. *Felony.* *Fieri facias*

The Sher' who breaketh the door of a house to do execution by *Fieri facias* shall be punished, trespasse lies against him, but not for taking the goods, 18. *E.* 4, 4.

The Sher' returns upon *Fieri facias* against executors, that the executors have sold the goods of the dead before the writ purchased, and took money and other goods for the same goods, for this he is amerced, he ought to have made execution of goods, amounting to the value, notwithstanding the sale, 44, *E.* 3, 8.

The Sher' returns upon *Fieri facias* against executors, That nothing they have after the coming of this writ, as to him by any means may appear. He was amerced, for he ought to return directly, That nothing they have, but he may return that the goods are eloigned, and upon this execution shall be of their goods proper. and he cannot return, he is not found as to him appear may, 9, *H.* 6, 57.

By *Hank* if a *Fieri fac.* issues, and the Sher' levie the pence, and return no writ, the party may sue a

Sicut

fieri alias; if he will, or he may have a writ against the Sheriffe, to have the money here. Quere what writ that is. But by *Thirwin*, it is a duty of rec' for the party, and the *Fieri fac.* is that those pence thou have here, and they shall be brought into the Court in discharge of the def. and the Sheriffe is not debtour for his simple saying. For it is not of record that he had those levied, so the def. is the debtor, not the Sheriffe: yet some say, if the Sheriffe levie the pence by *Fieri facias*, and pay them not to the party plaintiffe account, he shall have against the Sheriffe, 11.H 4.57. *S.* 2.H.7.22. by *Kingsf.* Trespasse lieth against the Sheriffe for levying the sum' and not returning the writ.

Until the *Fieri fac'* be executed the pence shall not be intended to be paid, and it is not executed till it be return by the Sheriffe, 2 H-28 6, 25.

Scire fac. to have execution of a judgement, the def' sayes before that time the Sheriffe by *Fieri facias* levied that sum' and though the def' says not that the Sheriffe delivered the money to the Plaintiffe, nor that the writ was return. this was adjudged a good bar: Therefore, the plaintiffe saith, that the Sheriffe hath not levied, he is ready, &c. 22.H.6.5.

Inser. and where not. Upon *Fieri facias*, the Sheriffe ret. That he hath taken goods to the value of ten pound, to which he hath not found a buyer, wherefore issues to the new Sheriffe, a vendic' exponend', who ret. that his predecessor took no goods therefore, &c. upon which issues a distr. the late Sheriffe, that the goods to sale to be exposed be fet. 34.H.6.39.

It is error where there is nul. and the exigent. ret. at the County held at *Ilchestr.* in the County of *Sum.* it ought to be at the County of *Somers* held at *Ilchestr.* and to ret. at the Hust. of *Lond.* where there are 2. and it is not at which Hust. it is not good. 6.H.7.15.8.11.H.7.11.

Where an nul' is ret'it shall not be amend. where it was ret. at the County held at the Castle of *Oxf.* and it was not in what County it is not good, 21.H.7.34.

Upon

Upon cap' the *Sher'* ret', I have taken I.S. and I.D. saith not the within named, and is seemeth good, and shall be intended. 22.H.7.18.

A writ upon a *Stat'* staple issues to take the body and extend the lands and goods of such one bound, and the *Sher'* returnes this, that he hath extended the land, and nothing returnes of the goods, and yet it is good for the land, which is of a thing he ought to do, and not of the whole, 16.H.7.6.

The *Sher'* returnes, that by vertue of a precept I have taken the body, and this is good without saying by vertue of a writ, for the *Sher'* may take one in *Westminster* Hall by command of the Justice without writ. 16. H.7.16.

Scire facias the *Sher'* return I. *W.S.* to you certify, and it is not good, it ought to be to you justice I certifie, but where the return is: To know I have caused *I.S.* and saith not within named, yet because there is over, as this writ exacteth and requireth according to the form of the writ, the return is good. 2.H.6.7.

Premunire the *Sher'* return that the Defend' was warned, and because it is not what day, it is not good, there ought to be warn' for an 11. moneths at least before the day of return by the *Stat.* and this appeareth not, and therefore is it not good, 42.H.3. and 39.E.3.7.

Ass. where the writ was ill ret' and that incert', there shall issue a *scire alias* 46.E.3.18.

One outlaw' and *proclam' fesi* ret. That he render himself to the *Sher'* of *Lond.* where it should be of *Kent* the utlary reversed therefore by error, 27, H, 8, 34.

Where the *Sheriffe* ret. nothing, or he is not found as to him may appear he shall be amerced

he

he ought to take notice. 9,*H*,6,57.

Where the Sher. ret. I have commanded the *Baily* of the liberty of D. and because he hath not ret' to what person, this not good, 9.*E*,4, 20, 1 *H*,6, 7, the same.

Vpon cap' the Sher. ret. I have taken the body, and that A. and B. him have rescued, and because it is not where, not good. 10 *E*.4.17

Scire facias, to have execut' of an Annuity against a person, the Sher. ret that he hath no goods, though it be not, nor had the time of the receit of this writ, yet it seems it shall be intended, and therefore it is good. 2 *E*.4.1.

Scire facias, against 11. several Tenants, the Sher' ret. To know I have caused in manner and forme, as this writ exacteth and requireth, and it is good though he not return severally, *Scire feci* 2 *H*.4.14. S.33.*H*.6.13.

In the writ to enquire of waste the Sher' ret. That he took inquisition the Sabbath day last, and because it is not what Sabbath, the return is not good. 40.*Ed*.3.30.

Scire facias to have execut' of arrears of an annuity, against *Laurence Bothe* Warden of the Hall of the blessed *Mary* of *Valence* in the Vniversity of *Cambridge* and the Scholars, the Sher' ret. it, To know I have caused *Laurence Bothe*, and saith nothing of the Scholars, for which the ret. was not good, There issued a *sicut alias* 34 *H*.6.49.

Where the writ issues to the Coron' and one ret. that he made a precept to his servant to arrest the Defend. and that he at D. such a day made a rescue, such a return is not good, for it must be made by both the Coroners, 39, *H*.6.41.

Vpon

Upon exigent the Sher. ret. to be proclam. I have caused at my County held such day, and because it is not what year, not good, 27 *H.*8.34.

The Sher. ret. he hath nothing, not good, he ought to ret. also, that he hath neither Bailies nor Bailie, nor is he found 29 Ass. 33.

Attaint, the writ was, Diligently enquire who were Jurors of the first Inquest, and where in B. Knight was one of the petty Jury, and he returnes their names, an M *B.* was dead, and though he return not M. B. Knight, it shall be intended the same, and a good ret. 34. Ass. 6.

The Sher. upon the *Venire facias* returns 12. names only upon the back of the writ, and not in the schedule, and it is not good, but there shall be ret. 24. according to the usage. 2 *H.*7.8.

The Sher. ret. upon the Cap. that rescue was made at Dale, by commandment of I. S. and because he returns not where the command was, it was not good, for the return shall be as certain as known. 3 *H.*7.11.

Upon pluries to have a Corody it is returned that the Bishop of K. is founder, and ret. not the name of the Bishop which founded it, and therefore incertain. 3 *H.*7.6

An measurement of Dower, the Sher. ret. that the woman hath more then she ought to have by 40. s. this is not a good return, he ought to ret. 11. parts by themselves and their values, and the 3 by it self, and the value. 44 *E.*3.11.

The Sher. of *Lond.* upon a *Nativo habend.* ret. that if a villain have remained in *Lond.* a year and day, he shall not be drawn out, and this is a good ret. And it is said that a ret. That Attaint lies not in *Lond.* is a good ret. Quære 7 H.6.34. *London.*

In *Lond.* any of the Sher. may arrest a man, and yet the ret. shall be made in the name of both the Sher. 39. *H.*6 43.

Where

Mand', Bail.

Where the Sher' ret. I have commanded the Baily of the Libert. and ret. not, because he hath nothing in my Shire, he was amerced 47,E,3,2.

Where the Sher' ret. I have commanded the Baily of the liberty, and that libert. is not in the Exchequer Roll, he is taken as a disherit. of the King. 2 H,5,4,11, E, 4,6, the same.

The Sher. ret. I have commanded the Baily of the liberty, who answereth me that he hath taken the body, and hath not the body there, doubtful whether the Baily shall be amerced, or the Sher 2 H,4,16, Quære see 11, H,4, 41. that the Baily shall be amerced and not the Sher. 5. E,4,6, the same.

Where the Sher. ret. I have commanded the Baily of the liberty, who answereth me, that he hath taken the body, and yet hath not the body, the Sher. was amerced, and a Distringas awarded to distrain the Baily to have the body, &c. 47,E,3,25, but the 14. of E,4,1, a Distringas shall issue against the Baily to have the body: and 36,H, 6,1, the same.

The Sher. ret, I have commanded the Baily of the liberty who answered me, and ret. but 9. of the panel, the Sher. shall be amerced, not the Baily, for the ret. is not good in Law 8,H,6,56.

The Sheriffe upon the grand Cape, ret. I have commanded the Baily of the liberty, who answereth me, that he hath taken the land into the Kings hands, and ret. not that he hath summ' the Ten. and held that the ret. in Law is not good, and therefore is the Sheriffe amerced 4,H,6,25.

If the Sher. upon a *Capias* make a precept to the Baily to arrest one, and he takes him; and the Sheriffe returnes not the writ, by *Frowike* and *Bryan*, the Baily shall not be punished, but the Sheriffe, 10.H.7.17.

False imprisonment against the Baily, who sayes, that a *Capias* came to the Sheriffe, and the Sheriffe command' him being his Baily errant, to take the body of the plaint'

plaintiff which he did, the plaintiff sayes the writ was not ret. and by *Kingsm.* although the Baily do well, It shall be acounted a wrong in him, because the writ is not ret. 20, H. 7, 13. *Cont.* by *Rede.* And *Lit.* sayes trespasse lies not against the servant in this case, 18 E. 4, 20.

If the Sheriffe justifie in tresp. the arrest of one by *Capias* to him directed, he ought to shew that he hath ret. the writ, for it is conditional. So that thou have the body here, &c. 3, H. 7, 3.

Where the Sheriffe levieth a *Fieri facias*, and levieth the sum and ret. not the writ, the party may have an action of tresp. against him for this levying, 21, H. 7, 22, by King.

The same Law is if the Baily by precept of the Sheriffe arrest a man, and bring him not to the Sheriffe, false imprisonment lies against him.

Capias issues to the Sheriff, where there is no original, and he arrests the party, and returns the writ, no trespasse lieth against him.

If the servant of a Sheriffe arrest one by precept made upon a *Capias*, and return his precept to the Sheriffe and the Sheriff return not the *Capias*, it seems false imprisonment lies against the servant.

But where the Baily of a liberty arrest one by precept upon a *Capias* made to him by the Sheriff, and the Sheriff return not the *Capias*, it seems false imprisonment lies against the Sheriff, and not against the Baily.

If the Sheriffe make a precept to his servant, or another to be his Baily (if it be not to the Baily of the Franchise who is not his servant) and he takes the party, and the Sheriff return not the writ, the Baily is a trespasser, if he be not the Baily of a Franch. although the Baily return his precept to the Sheriff served 8, E. 4, 18, and 13, H. 7, 2, the same see 18, E. 4, 9, and 28. Ass. 47.

Debt against executor, where is pleaded nothing in his hands, and assets found, and the Sheriffe return upon the *Fieri facias*, I have commanded the Baily of the Liberty, &c. who answereth me, That he hath no goods

of

of the Teſtator; this return is not good, for it is contrary to the Verdict and Trial, and yet the Sheriſe ſhall be amerced, and not the Baily, becauſe the return is not good in Law, and the ſheriſe ought to have knowledge of the Law, 5 *H.*7.27. But for falſe return the Baily ſhall be amerced 3 *H.*7.11. the ſame.

If the Sheriſe return, I have commanded the Baily of the liberty, who no anſwer gave me, there ſhall iſſue a *Non omittas*.

The Sheriſe ret. I have commanded the Baily of the liberty, and becauſe he returned not. For that nothing he hath in my ſhire, he was amerced 47 *E.*3.2.

The ſheriſes ret. I have commanded the Baily of the liberty, and not whoſe liberty it is, therefore by *Pigot* not good, 9 *E.*4.20. otherwiſe by *Danby*, ſee 1 *H.*6.7.

The ſheriſes return I have commanded the baily of the liberty of the Franch. of the Earle of *Shrewſh.* and becauſe it is not, For that the lands are within the liberty, It was challenged, and the return is not good, becauſe it is not of which liberty, if he have many; and therefore he ought to return, I have commanded the baily of the liberty of the Franch. of the Earle of *Shrewſh.* of his liberty of *Scarſdale*, or of his liberty of *Alto Peco*, &c. who hath full return and execution of all writs in the ſame liberty, to whom the execution of this writ wholly appertaineth to be made, which baily thus anſwered me, &c. 2 *H.*6.7.9 *H.*6.35.

Vpon a writ of enquiry of waſte, the ſheriſes ret. I have commanded the baily of the liberty, who gave me no anſwer, and the ſher. was amerced, for he ought to enter, and to go to the place waſted, for ſo is the ſtatute, and for this cauſe French. ſhall not take place, 11 *H.*4.80.

If the ſheriſe enter into any liberty, and execute proceſſe there without a *Non omittas*, the Lord of the liberty ſhall have a writ of treſpaſſe upon the caſe againſt him. *Fitz.*95.*B.*

The

The Sheriſe returns upon the exigent, that the deſendant is dead, he cannot by *Priſot*, and alſo upon *Capias* he cannot return it. 32 *H.*6 35. *Dead.*

The Sheriſe ret' upon *Scire fac.* againſt an Abbot that he is deposed, for which cauſe he cannot warn him, good, and that is dead, 1 *H.*6. 2. and 2 H.6 5. the ſame.

The Sher. ret. upon the exigent that the def. is dead, no good return, he ought only to demand him, and if he appear to take him 10 *Hi.*5.

Vpon plur' repleg. the ſher. ret. that the beaſts are dead, and this is a good ret. and no need to return the beaſts are eloigned 32 *H.*6. 32.

In attaint, the ſher. cannot return that the defend. is dead, for there are no ſuch words in the writ to warn the defend. 18 *H.*8. 4.

Vpon *Habeas Corpo.* Jurat. the ſher. ret. foure are dead, and he may, and upon diſtring. thereupon he ret that other two are dead, and he may. 10. *Ed.*4. 11. *No one came for the Plain.*

Vpon *Habere fac ſeiſina.* and upon *Grand cape*, and upon *Habere fac viſu.* to return no one came of the part of the plaint. is a good ret. 13 *H.*4. 9.

Vpon a writ of a view, It is a good return, that no one came of the part of the Demandant to ſhew him the land, for the ſheriſe is not bound to take knowledge of the land, 14 *H.*6. 20.

The Statute of *York, cap* 5. ſaith, the Sheriſe ought to put his proper name to every writ, 8 *H.* 6 76. 36. *H.*6, 2 9 *E.*4, 19. *Name of the Sher.*

Where one is outlawed, he may reverſe it by errour, becauſe in return of the *Alias Capias* the name of the ſheriſe was omitted, 26, *H.*8, 4.

Treſpaſſe againſt an Abbot and his Commoigues, the Sher. ret. pledg. for the Abbot, and that the Commoigues have nothing, this return is good, and

Pledges. yet in case of husband and wife the pledges shall serve them both, and he ought not to return the wife nothing, 48 E.3.26.

Ass. the sher. ret. he hath not found me pledg. and the writ was delivered to the sher. again, and the plaint. presently found pledg, 2 H.4.22.

Ass. against husband and wife, the wife shall be attach. by the goods of the husband, because she is to be brought in by her husband, 7 H.6,10.

Vpon *Habeas Cor.* against Jurors the Sher. cannot ret. that he hath served part, and the baily of the liberty another part, but upon *Capias* against many the sher. may ret. I have taken the body of one, and have commanded the baily of the liberty concerning the other, this is a good return, 31 H.6.13.

Part served by the Sheriff.

The sher. upon *Habeas Corp.* with ten Tales ret. that he had served the *Hab. Corp.* and as to the ten Tales I have commanded the baily of the liberty, who hath served the residue, no good return, 8 H.4.10.

Distrain the Jurors, the Sheriff cannot return that he hath distrained some, and the baily of the liberty served the residue, 19 H.6,48.

Upon Distring. with Proclamat. upon ejections of ward, the Sheriffe returns, I have commanded the baily of the liberty, who answered me, &c. issues fourty pence, and that he himself had made Proclamation, and it seemeth because the Sheriff ought to make Proclamation in the County, it shall serve for the rest. 2 H.4 1.

In precipe the Sheriff returns I have commanded the baily of the liberty, who thus answereth me, &c. this return is good, and also that the baily took the pledge, and because he took the pledge where the Sheriff ought, the Sher. was amerced, and a sicut alias awarded, 14 H.6,3.

Ass. the sherife ret. that he had taken pledge and the baily served the residue, and though part be served by the sherife,

sher. and part by the bailie it is good. for if the plaint find not to the sher. pledg. he shall not make his precept to the bailie 21 H.7,14.

The sher. by statute of *West.*2,c,39,may take the posse of the County to execute processe; and also it is agreed by this book, that the baily may do it, for he is instead of the sher. 3 H,7,1. *Posse com.*

Vpon *Scire fac.* against a Chaplain upon recovery in *Quare imped*,the sher. ought not to ret that he is a Clerk beneficed having no lay fee, for that shall not be returned but upon Distring. or Capias in debt or trespasse, it is a good return, and there shall issue a *Venire fac Clerie.* here he may be warned by his person, 32 *H.*6,13. *Quare Impedit.*

If the sher. return that one at D. made a rescue, it is good without any addition of the party in the return, and yet processe of outlawry lieth upon it. And where the sher returneth the rescue to be done at D. he is estopp.to plead to this return Over D.and neither *D.* and none without addition. for he is estopped by the ret. *Rescue.*

Where the sher. upon *Capias* returns, I have taken the body, and that *I,S.* and *I,D,* have made rescue, and because in the return is not at what place, it is not good, 10 *E,*4,17. and 3 H,13. the same.

Where tenant for life prayeth in aid of him in reversion, and in *Scire facias* against him, the sher. may return, that he is warned in the land in reversion, which is in the land demanded, 43,*E,*3,28. *Scire fac.*

One may be warned in *Scire fac.* by his person, or his lands or goods, as it seemeth, 32 H,6,13.

Scire facias to warn 12, upon a writ of detinue, the sher. returned one warned, and that the other nothing hath, and held that the sher. shall be attended, for

though he hath nothing he ought to have warned him by words, viz. his person, but because the return was read, and it was nothing he hath in my County, nor is he found in it, it is good, for he cannot warn his person, 1 H.5.13.

The sher. returns upon a *scire facias* against a person, to have execution of arrears of annuity, that the person hath resigned, and that he hath no goods, and it is good, and he may take notice of the resignation, 2 E.4.1.

Upon a writ of errour, issues, to know cause the heir and land tenants severally to be, if to them it shall seem expedient, and it was against husband and wife, and another person, and the sher. returns, That to know I have caused *I.* of *B.* and *Alice* his wife, tenants of so much, and *R.* of H. tenant of so much severally, and the return is good, though the husband and wife cannot be severed, 3 H.7. fol. ult.

No such matter there.

The sher. returns upon *scire facias* against an Abbot, that he is deposed, so that he cannot warn him, good, for he is dead, 1 H.6. 2 H.6.2.

The sher. returnes to know *I* have caused by A. *B.* without saying good and legal men, and the party appeareth, good, 8 H.6.76.

Summons in the land demanded.

Attaint. returned by the sher. nothing, and the return is not good, and there issued a *Sicut alias*, and summon shall be in the land demanded, 42 E.3.19.

Mordancestor by 11. one makes default, wherefore issues sum. to sue together, the sher ret. upon this nothing, and awarded it is that there shall be sum. in the land demanded. 44 E.3.17.

Scire facias out of a fine to execute it, and 2. make default, and in the sum. to sue together the sher. upon this returns nothing, and he shall be amerced, for there shall be sum. in the land demanded, 10 H.6.12.

The

The ſame Law it is, where one hath aid of him in reverſion and in ſum. to aid, ſum. he ſhall be, in the land demanded.

W it of Covenant to levie a fine, if the ſher. ret. nothing, he ſhall be amerced, he ought to have ſum. him in the land demanded, 10 H, 6, 13.

Where aid was granted and the ſher. ret. that the price hath nothing where he may be ſummon. a *Sicut alias* was awarded in the land demadded, 25 E, 3, 37.

Debt againſt *John Burton* perſon of *D.* the ſher. ret. at the plur. diſtring. that he hath reſigned, and it is a good ret. 2 H, 7, 10. *Spiritual.*

Scire fac. againſt an Abbot the ſher. ret. he is depoſed, and a good ret. but in *Scire fac* againſt husband and wife, the ſher. cannot ret. that they were divorced, that is ſpiritual, of which he cannot have notice, 1 H, 6, 2. 2 H, 6, 5. the ſame.

Scir. fac againſt the perſon of *D.* to have execution of arrears of an annuity, the ſher. ret. he hath reſigned; and taketh notice of it; the ret. is good, 2 E, 3, 1.

The ſher. ret. upon a *Capias* late, and was amerced, 2 H, 4. 3. *Tarde.*

Right of Ward. at the deſtr. with proclamation the ſher. re. iſſues, and that he could not proclaim it, becauſe it came late, there ſhall iſſue an *Alias* to proclaim it only and not to ret. iſſues, 3 H, 4, 6.

In *Capias* of Appeal of death the ſher. re. that this writ ſo late came that, &c. and the ret. awarded good, 9 *D*, 4, 20.

Forging of deeds. Diſtreſſe with ten tales awarded againſt the Jury, and the principal Jury was returned late upon the diſtreſſe, and the tales ſerved, the return was awarded good, for where iſſues are to be returned, the ſher. ought to have time to know their land. but upon *Capias*, the return late, is ſaid to be ill, but *Quære* becauſe it is uſed, 21 H, 6, 52.

The *Sher.* returnes a writ delivered by Billet according to the *Stat. of VVest.*2 *C.*39. late and because the *Sher.* refuses to put to his seal, others put to their seals according to the *Stat.* and the plain. had a writ to the Justice of Ass. to enquire of damma. 29. Ass. 58.6.

Testatum. *Capias* to have execution against an Abbot or Bishop, If it be rerurned that they have nothing in that County, an Elegit upon the Testate shall issue into another County 26,H,8,7.

Where a man hath recovered in a *Quare Imped.* and has a writ to the Bishop who refuses his Clerk, so that he brings his *Quare non admisit.* And processe continueth till the distresse against the Bishop, and the Sher. returns that he hath nothing, Distring. issues to the *Sher.* of *London* upon the Testate that he hath lands there, 3 H.4,6.

Trespasse against a Prior, the Sher' rerurns he hath nothing, and though he hath no lands there, he shall have processe into another County upon the Testate, for Prior was a name of dignity, and therefore shall he have processe into another County upon the Testate,7,H,4,1.

Where the Sher returns nothing, a *Capias* lies not against a Lady, a Peer of the Realm, Earle or Baron, but a Testatum shall issue into another County, but if they do wrong, as if they eloigne a distring. and that be returned by the Sher.. a *Capias* lieth for the wrong,11,H,4,15.

If a Sher' arrest any man, and rescue be made by a Baron Earle or Dake, If the Sher' ret. the rescue a *Capias* lies, 1,H,5,*fult.*

Waste. Waste was done in *Reddale*, and upon the writ to enquire of waste, the Sher' returns, that *I* have taken inquisition at *Reddale*, and because it is not at the place wasted, no good ret. 40 E.3.20, & 27,*H*,8,25. the same.

Waste

Waſte in *A.B.* and C. ſaid --the writ to enquire of waſte, ſhall be returned. That I came to the tenements within written, and an inquiſition tak. at one Town will ſerve for all, 34 H,6,49.

To a return of Rediſſeiſin or upon the writ to enquire of waſte, that *I* came to the town is not good, but to the place, 21 H 4,6.

Upon a writ to enquire of waſte, becauſe the Sher. returned, *I* have commanded the baily of the liberty, who gave me no anſwer, he was amerced, for he ought to go to the place waſted, 12 H,4,18.

Venew & Venire fac.

Appeal. the ſher. ret. a Jury of the Venew of *D.* and the new ſher. ret. no ſuch Venew, and he may 3 H,6,ſ.ult.

Venire facias was ret. by the ſher. and after the ſher. was diſcharged, and a new ſher. made; and at the diſtr. he ret. nothing upon one Juror, and adjudged he ſhall be amerced; but he may ret. that the lands are recovered againſt the Juror, or that the Juror was tenant for life of *I.S.* who is dead, or other ſpecial matter, and ſo nothing, 19 H, 6,38.

Where the parties admit ſuch a viſne, where no ſuch is, the ſher. cannot ret. that there is no ſuch viſne; but he muſt make the panel out of the body of the County, 37 H,6,12.

A *Venire facias* with a pannel was returned, and none found upon the roll, but a *Sicut alias* awarded and returned, and upon that an *Have the bodies*, and a diſtr. and the Jury findeth for the plaintife, and it is ſhewen in arreſt of judgement, that there was another *venire facias* with panel, and adjudged it ſhall not be intended to be there lawfully, but ſhall be taken off the File; becauſe in the Roll, entry was, *At which day the Sher. ſent not the writ*; and upon it was awarded the *ſicus alias*, 20 H,6,16.

Though the *Venire facias* is, *Venire facias* 12 free and legal men, yet if the ſher. return 12. only, if he

amend it not he shall be amerced; for the Justices will not alter the ancient form, for the mischief which may happen: for if 12 only be returned no Inquest will be had without a *Tales*, 2 H.7.8.

The Sheriff returns a pannel upon the *Venire facias* and cometh a baylife of the fee, and sheweth an Indenture by which he had returned certain names to the sher. and that the sherife had returned other names to the blemish of his return, and he prayeth that the Inquest may not be taken, and not allowed, 30. Ass 5,

Assise, *Venire facias* was directed to the Coroners, and the panel was returned by two Coroners, where there are foure and therefore the *Venire facias* was cast back, and after returned by all four. 31 Assise.

Venire facias issueth to the sher. who returneth, I have commanded the baily of the liberty, which to me hath betaken this panel And that he returneth, and after issueth a Tales to the sher. and he returneth the Tales, alledging there were not more sufficient men within the Franchise, and a good return upon this special matter, 38 E.3 29.

She iff. Debt against the sher. he ret. that himself is sher. and that he cannot sum himself. 18 H.8.3. & 8,H.6. 77.5,9. 5,6.10.

Præcipe. The *Venire facias* issueth to the sher. and he was out of his office 3 moneth before its return, and he bringes the *Venire facias* which was served, to the new sher. and he returneth another *Venire facias*, and returns this writ late, and it seemeth the writ served shall stand, 21 E.3,89.

One outlawed; and the *Proclamari feci* was returned, that he rendred himself to the sherife of *London*, where should be of *Kent*, and the Outlawr. was reversed by error, and because it was in another terme, it seemeth the sher. shall not be amerced, 27 H.8 38.

Debt

Debt brought by I.S. being Sheriff he ſerves the writ, good, he may ſerve it till the *Venire fac.* H. 6. 1.

The Sheriſe may bring a writ of debt in the County where he is Sheriſe, and may ſerve and return it, and find pledg' of proſecut' in the Chancery, 14 H. 6. 19.

Treſpaſſe againſt the Sheriſe and two others, and proceſſe awarded to the Coroners, the Sheriſe was found not culpable, the other two were found culpable, the plaint. prayeth a *Fieri fac.* to the Sheriſe, and could not have it, becauſe the proceſs before was to the Coroners 2 H. 6. 12.

Debt upon *Capias* the Sheriff returns, *languid.* he is in priſon, and yet the def' was received to appear, for he hath day by the roll, and the plaint' was demanded, and came not, and was non-ſuited, 3 H. 6. 3.

If the Sheriſe return in a pannel *Johannis D.* where it ſhould be *Johannes D.* yet this is good, for falſe Latin is not materiall in a return, 2 H. 4, 8.

If the Sheriſe return upon a *Capias* I have taken the body, and hath not the body, he ſhall be amerced, 7 H. 4, 11.

The def. cannot ſay that the Sheriſe is Couſin to the plaintife, and pray the *Venire facias* to the Coroners; for if it be ſo, he may have his challenge and quaſh the array, but the plaintife may pray it, 3 H. 7. 23.

An exigent which was delivered of record was imbezeled, and the copy of it returned by the ſher', and he was amerced for the return of the copy, to xxx.l and for embezeling xx l. 5 E. 4. 5.

Debt upon obligation made to the ſheriſe by one let to Mainprize, the name of the ſheriſe is not in the obligation, as it ought to be by the ſtat. of 23 H. 6. c. 10. and the defendant may ſhew that and conclude, and ſo not his deed, 7 E. 4, 5.

Every original writ ſhall be to the ſher' as Aſſiſe of an Office in the Common bench, but proceſſe may be to the Warden of the place, 8 E. 4, 16.

The ſheriſe nor his ſervant cannot break a cloſe to make

make Replev' where there is a gate, if it be not ſtopped, 20 H.6' 28.

The ſheriſe and baily errant ſworn and known, may arreſt without ſhewing their warrant; otherwiſe of a ſervant of the ſheriſe, who is not an officer ſworn and known, 8 E'4' 14.

If the ſheriſe come to arreſt a man, and he flieth, he may purſue him and take him in another County, but not aſſault nor beat him, becauſe he was not arreſted; but if he was arreſted, and flie into another County with his ſword naked in his hand, he may purſue him, aſſault him, beat and take him, 2 E.4.7.

If the ſheriſe come to arreſt one, and he flie into another County, there he may him freſhly purſue and arreſt, 21 E'4'9.

The ſheriſe or officer may break a houſe to take a felon in it, but they cannot break a houſe to arreſt upon *Capias* in debt or treſpaſs, 23 E.4'8.

The ſheriſe upon *fieri fac.* cannot break a door nor cheſt, to take goods in execution; if he does, treſpaſſe lies only for the breaking, 28 E'4'4.

Treſpaſs againſt a ſheriſe for taking his goods, he may juſtifie, becauſe an exigent of felony was awarded againſt him, and he them took, he may juſtifie for that though he ſay not, that he hath accounted to the King, but a *Capias ad ſatisfac.* is conditional, 3 H'7'3.

If the ſheriſe attach a Cow, by the Attachment the property of the Cow is not out of the party, until the day that he makes default: if at the day he makes default, he may take it as a forfeit, though he ſuffered it with the party, 9 H'7'6' & 34 H'6' 53.

Capias for felonie, the ſheriſe returnes I have taken the body, and hath not the body at the day, he was amerced C. for the eſcape, 40 Aſſ. 43.

8. The ſheriſe may ſerve a writ as it ſeems, with three hundred men if need be, 2 H'7.1.

FINIS.

The TABLE.

A.

Accedas ad Curiam. 291
Account. 301,305
Adigas ad Curiam. 293
Adjournments. 338
Allocat Com' 314
Amendment. 355
Apparance. 354
Appeal. 295
Ass' of no' dist, 323
Attachment. 295,354
Attains. vid. Hab. Corp.
Authority of the Sher. 353
Averment. 313

B.

Beasts eloigned. 310
Eloigned upon 2. deliverance. 310

C.

Capias in debt or trespasse. 296,305
Cap. utlagatum. 305.342
Cap. in man' &c. 347,350
Cap tam Corp. quam terre. 345,346
Capi Corpus. 345
Capi Corpus out of the Exchequer.
Certiorari. 343
Cert' upon protection. 338
Cert' by Coron. 343
Certificat' of the Major of a City. 345
Certificate of the security of the peace. 344,345
Cessavit for two years. 348
Church. 360
Clerk not having lay fee. 295 359
Commiss. 344
Condit. upon Repl. 312.321
Counterfeit of money, Felony.
Returnes of it, Habeas.
For default of County. 314
For default of Coron. 313
Panel of Circumstans. 329

D.

Dead they are. 351
Dead upon Exig. 315
Decies tantum, 344
Dedimus potestatem. 343
Deliberat. 330
Delivery of seisin. 331
Distresse. 317
Distrein the Furors. 355
Distresse against a Clerk. 321
Distresse against Executors 320
Issue in the Exchequer upon distresse. 348
Dower. 325

The Table.

E.

Ejectione Firma. 295
Elegit. 329
Election of a Coroner. 341
Burgesse Knight of Parliament. 336,337
Of a Verdour. 340
Enquest. 360
Enquiry of damages. 329
Executors seine fac. 325, 351
Distresse against them. 352
Excommunic. 300
Exigent; divers Returns of it, 313
Extent. 339

F.

False judgement. 294
False return. 353,360,361
Favour of the Sheriff. 311
Felony. 300,301,361
Feri fac. divers times. 327, 328,349,361
Forrest sum. there. 341
Verdours there. ib.

G.

Grand Cape 324

H.

Habeas Corp' divers times ret. 296,297
Hab' Corp' in Attaint. 319
Otherwise in Chanc' 319
Hab' Corp' of the Jur' in debt. 318
Habere fac' visum. 334
Habere fac' seisinam. 331
Homine replegiando. 311
Hundred Cour. plaint there. 293
Incertain, and where not 315,318,323
Issues.
Upon distresse. 320

K.

Kalender for the Sessions. 335
Knight by Order. 337

L.

Languid upon cap. 298, 99
Upon he hath rendred himself upon Exact. 315
Languid upon felony. 298
Latitat. 6
Levari facias. 329
Liberty. 297

M.

Mandavi Balliv. Libert. 296,324,360, 65

N.

Name of the Sher. 369
Ne exeat regnum. 339
Nihil 325,327,329,345, 349
Non omittas. 352
No man came for the Plaintiffe 367

O.

Original in debt or trespasse. 295

P.

Pannel 320
Partition to be made 321
Pars served by the Sheriff, 370
Pledg. 370
Plur. Rep'eg. 311
Pone upon Repleg. 289
In debt or trespasse 289

Posse

The Table.

Poſſe of the County 371
Premunire. 320
Proclam. upon Exig. 316

Q.

For the Queen. 317
Quare impedit. 371
Quis eſt tenens. 347
Quo warranto. 341
Quo Jure 326

R.

Re ſa.lu. 290
Record o deliberand. 293
Replev. 309,310
Reſcuous 305,306,307 308
Re-ſeiſure 325
Reſtitut upon fieri fac. 329
Return to be bad 309
Rule 302

S.

Sanctuary. 297
Scire fac. 325,326,351 371
Second deliverance 310
Sheriff 354,376
Special master in ret. 376
Superſed upon cap. 298
after Capi Corp. 299
Upon Exigent 314
Upon Fieri fac 318
Supplicavit 302,238
Sum' of Aſſ. 334
In the land demand 372
Of a Knight of Parl. 325

T.

Tales of the ſtanders by, 318 320
Tarde upon diſtreſſe 321
Of the Jur. 318,321
Upon Capias. 373
Teſtif. of the late Sher 342
Teſtatum 374
Treaſon 302
Treſpaſſe. 300

U.

Vendition' exponend. 350 351
Venire fac. 317,375
The Jur. 317
Venewe 360,375
Out of the Exchequ. or Offic. of the Coron. 317,348
Utlag. upon exig. 302

W.

Waſte 333,374
Withernam 312
Woman waved 314,317

FINIS.